

HOUSE OF REPRESENTATIVES—Thursday, March 3, 1988

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your spirit makes available to us the gifts of faith, hope, and love. We pray for faith to transcend the difficult times that test the human soul; we pray for hope to rise above any cynicism which denies a better day; we pray for love to accompany us and touch our hearts all the days of our life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DORNAN of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DORNAN of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 136, not voting 27, as follows:

[Roll No. 21]

YEAS—270

Ackerman	Boucher	Darden
Akaka	Boxer	Davis (MI)
Alexander	Brennan	de la Garza
Anderson	Brooks	DeFazio
Andrews	Brown (CA)	Dellums
Annuzio	Bruce	Derrick
Anthony	Bryant	Dicks
Applegate	Bustamante	Dingell
Archer	Byron	Donnelly
Aspin	Campbell	Dorgan (ND)
Atkins	Cardin	Downey
AuCoin	Carper	Duncan
Barnard	Carr	Durbin
Bartlett	Chapman	Dwyer
Bateman	Chappell	Dyson
Bates	Clarke	Early
Beilenson	Clay	Eckart
Bennett	Clement	Edwards (CA)
Berman	Coelho	English
Bevill	Coleman (TX)	Erdreich
Bilbray	Collins	Espy
Boggs	Combest	Evans
Boland	Conte	Fascell
Bonior	Conyers	Fazio
Bonker	Cooper	Feighan
Borski	Coyne	Fish
Bosco	Crockett	Flake

Flippo	Lloyd	Rostenkowski
Florio	Lowry (WA)	Rowland (GA)
Foglietta	Lujan	Roybal
Foley	Lukens, Thomas	Russo
Frank	MacKay	Sabo
Frost	Manton	Sawyer
Garcia	Markey	Scheuer
Gaydos	Martinez	Schneider
Gejdenson	Matsui	Schulze
Gibbons	Mavroules	Schumer
Gilman	Mazzoli	Sharp
Glickman	McCloskey	Shaw
Gonzalez	McCurdy	Shumway
Gordon	McHugh	Shuster
Grant	McMillen (MD)	Sisisky
Gray (IL)	Mfume	Skaggs
Green	Mica	Slattery
Guarini	Miller (CA)	Slaughter (NY)
Hall (OH)	Miller (WA)	Smith (FL)
Hall (TX)	Mineta	Smith (IA)
Hamilton	Moakley	Smith (NE)
Harris	Mollohan	Smith (NJ)
Hatcher	Montgomery	Solarz
Hawkins	Moody	Spratt
Hayes (IL)	Morella	St Germain
Hayes (LA)	Morrison (CT)	Staggers
Hefner	Morrison (WA)	Stallings
Hertel	Mrazek	Stark
Hochbrueckner	Murtha	Stenholm
Horton	Myers	Stokes
Houghton	Nagle	Stratton
Howard	Natcher	Studds
Hoyer	Neal	Sweeney
Hubbard	Nelson	Swift
Hughes	Nichols	Synar
Hutto	Nowak	Tallon
Jeffords	Oakar	Tauzin
Jenkins	Oberstar	Taylor
Johnson (CT)	Obey	Thomas (GA)
Johnson (SD)	Olin	Torres
Jones (NC)	Ortiz	Torricelli
Jones (TN)	Owens (NY)	Trafficant
Jontz	Owens (UT)	Traxler
Kanjorski	Panetta	Udall
Kaptur	Patterson	Valentine
Kastenmeier	Pease	Vento
Kennedy	Pelosi	Visclosky
Kennelly	Pepper	Volkmer
Kildee	Perkins	Walgren
Kleczka	Petri	Watkins
Kolter	Pickett	Waxman
Kostmayer	Pickle	Weiss
LaFalce	Price (IL)	Weldon
Lancaster	Price (NC)	Whitten
Lantos	Rahall	Williams
Lehman (CA)	Rangel	Wilson
Lehman (FL)	Ravenel	Wise
Lent	Ray	Wolpe
Levin (MI)	Richardson	Wortley
Levine (CA)	Rinaldo	Wyden
Lewis (GA)	Robinson	Wyllie
Lipinski	Roe	Yates
Livingston	Rose	Yatron

NAYS—136

Arney	Coleman (MO)	Gradison
Badham	Coughlin	Grandy
Ballenger	Craig	Gregg
Barton	Dannemeyer	Gunderson
Bentley	Daub	Hammerschmidt
Bereuter	Davis (IL)	Hansen
Bilirakis	DeLay	Hastert
Bliley	DeWine	Hefley
Boehlert	Dickinson	Henry
Broomfield	DioGuardi	Herger
Brown (CO)	Dornan (CA)	Hiler
Buechner	Dreier	Hopkins
Bunning	Edwards (OK)	Hunter
Burton	Emerson	Hyde
Callahan	Fawell	Inhofe
Chandler	Frenzel	Ireland
Cheney	Galleghy	Jacobs
Clinger	Gallo	Kasich
Coats	Gekas	Kolbe
Coble	Goodling	Konnyu

Kyl	Nielson	Smith, Denny
Lagomarsino	Oxley	(OR)
Latta	Packard	Smith, Robert
Leach (IA)	Pashayan	(NH)
Lewis (CA)	Penny	Smith, Robert
Lewis (FL)	Pursell	(OR)
Lott	Quillen	Snowe
Lowery (CA)	Regula	Solomon
Lukens, Donald	Rhodes	Spence
Lungren	Ridge	Stangeland
Mack	Ritter	Stump
Madigan	Roberts	Sundquist
Marlenee	Rogers	Swindall
Martin (IL)	Roth	Tauke
Martin (NY)	Roukema	Thomas (CA)
McCandless	Rowland (CT)	Upton
McCollum	Saiki	Vander Jagt
McDade	Saxton	Vucanovich
McEwen	Schaefer	Walker
McGrath	Schroeder	Weber
McMillan (NC)	Schuette	Wheat
Meyers	Sensenbrenner	Whittaker
Michel	Shays	Wolf
Miller (OH)	Sikorski	Young (AK)
Mollinari	Skeen	Young (FL)
Moorhead	Slaughter (VA)	
Murphy	Smith (TX)	

NOT VOTING—27

Baker	Ford (MI)	Leland
Blaggi	Ford (TN)	Lightfoot
Boulter	Gephardt	Parris
Courter	Gingrich	Porter
Crane	Gray (PA)	Rodino
Dixon	Holloway	Roemer
Dowdy	Huckaby	Savage
Dymally	Kemp	Skelton
Fields	Leath (TX)	Towns

□ 1122

So the Journal was approved.
The result of the vote was announced as recorded.

PERMISSION FOR SUBCOMMITTEE ON AVIATION OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Public Works and Transportation be permitted to sit on today, Thursday, March 3, 1988, during the 5-minute rule in the House.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

POINT OF PERSONAL PRIVILEGE—RIGHTS OF MINORITY MEMBERS IN COMMITTEES

Mr. SWINDALL. Mr. Speaker, pursuant to rule IX, I rise to state a point of personal privilege.

The SPEAKER. The gentleman from Georgia seeks recognition under rule IX on a point of personal privilege.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Chair is aware of the newspaper accounts which give rise to the question raised by the gentleman from Georgia.

Under rule IX, questions involving the reputation or conduct of a Member are such as to entitle that Member to recognition, and under rule IX such recognition, if sought on a point of personal privilege is a privileged matter taking precedence over any other motions, save a motion to adjourn.

The Chair believes that the gentleman from Georgia under the circumstances does qualify to be heard on the point of personal privilege.

Mr. SWINDALL. Mr. Speaker, let me state that the issue that gives rise to this point of personal privilege is, I think, both a substantial and a serious issue. It relates to the rights of a minority Member, that is, specifically the ranking member of a subcommittee that has been invited expressly to participate in a hearing that is being conducted relating to a fairly serious matter, in this case, the source or reason of the Cuban detainee riots that occurred last November.

I would like to submit to the RECORD a letter dated January 6, 1988, addressed to the Honorable PETER W. RODINO, chairman of the full House Judiciary Committee, over the signature of ROBERT W. KASTENMEIER, chairman of the Subcommittee on Civil Liberties and Administration of Justice.

The letter follows:

COMMITTEE ON THE JUDICIARY,
Washington, DC, January 6, 1988.

HON. PETER W. RODINO,
Chairman, House Committee on the Judiciary,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I have received your letter of December 18, 1987 in which you inquired about the plans of the Subcommittee on Courts, Civil Liberties and the Administration of Justice to investigate and hold hearings on the Mariel Cuban uprisings.

As you are aware, my interest in the Mariel Cuban situation is longstanding. My involvement in this issue has included two visits to the Atlanta Penitentiary, one on which I was accompanied by two Committee counsel in February 1986 and one on which I sent an additional Committee counsel in October 1987. After the first visit, the Subcommittee issued a report urging a quick and just resolution of the inhumane detention of thousands of Cuban detainees. The Subcommittee was in the process of evaluating the information acquired during the second visit when the detainees began rioting at the Oakdale and Atlanta facilities.

It has been my intention since those two institutions were sieged to conduct hearings on the Mariel Cuban detainee situation. So as not to adversely impact the hostage situation or the subsequent transfer of detainees to other institutions, however, I decided to postpone any public action until both hostage crises had been resolved and the Bureau had been given time to recover from the trauma of the riots. In the meantime, I had instructed my staff to obtain as much

information as possible regarding the events surrounding the rioting by the detainees.

Unfortunately, the informal gathering of information by the Subcommittee staff has been much more difficult than I had expected. From the first day of rioting at Atlanta until last week, the Department of Justice had cut off the normal lines of communication between the Bureau of Prisons and the Subcommittee staff, requiring the staff to speak only with Department of Justice spokespeople from the Office of Legislative Affairs about the detainees. The information provided by these spokespeople was, at best, slow in coming and the staff often found themselves reading newspaper articles which cited Department of Justice sources and contained information that the Department of Justice had refused to provide directly to the staff.

In addition, I have attempted to schedule briefings with the State Department, Department of Justice, Bureau of Prisons and Immigration principals involved with the Mariel Cubans. Though the State Department representatives met with me within days of my request, two meetings scheduled with the other principals were cancelled at the last minute by the Department of Justice. (The second meeting was to have been held with members of the Subcommittee staff after I was unexpectedly called out of town to attend a funeral.) This frustrating interaction with the Department of Justice further confirms the need for formal hearings on this topic, particularly in light of information provided by the State Department that directly contradicts certain representations made by the other agencies.

As you recognized in your letter, the issues raised by the Mariel Cuban uprisings span the jurisdiction of two Subcommittees, my own and the Subcommittee on Immigration, Refugees and International Law. Because it is impossible to bifurcate the issues along jurisdictional lines, the hearing that will be conducted by my Subcommittee will necessarily include some witnesses and information that might properly be brought before the Immigration Subcommittee. I, therefore, welcome any member or staff of the Immigration Subcommittee to attend and participate in the hearing that we will conduct on this issue.

With warm regards,

Sincerely,

ROBERT W. KASTENMEIER,
Chairman, Subcommittee on
Courts, Civil Liberties and the
Administration of Justice.

As a result of that letter, I chose in keeping with my responsibilities and rights as a ranking member of the Immigration Subcommittee to attend and participate in the hearing.

Mr. Speaker, let me take this opportunity to state that I did call the chairman of the subcommittee yesterday and invited him to participate in this very significant debate. He declined that offer and stated, in effect, that he was not interested.

I do see the gentleman here, and I would invite the gentleman at any point, should he choose, to let me know, and I will be happy to yield to the gentleman with respect to some of the statements which I will make.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. SWINDALL. I am happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I do not think it is accurate to say I indicated to the gentleman I was not interested, nor did I know precisely when or in what content the gentleman would raise this point today.

I have meant, however, to respond to this issue in due course, although I must say to the gentleman, I think it is a waste of the House's time, but the gentleman has invoked a special privilege and the gentleman may proceed, of course.

Mr. SWINDALL. Mr. Speaker, I thank the gentleman. I appreciate that.

Let me state that the purpose of the call, if the gentleman will recall, was to state that I would bring it at any time that was convenient to the gentleman's schedule.

At that point, the gentleman said, and I think I am quoting, that he was not interested in participating, and I will not use the exact language that the gentleman used, but in any event, I do think this is a substantial issue. I am pleased that the gentleman is here, because it relates to very important fundamental civil liberties and rights.

But specifically, at the outset of the hearing, the chairman made the statement that the purpose of the hearing was to "fully comprehend the significance of these events, and in order to do that we must go back to 1980 when over 125,000 Cubans came to this country via the Cuban port of Mariel."

□ 1130

He then called on the gentleman from Kentucky [Mr. MAZZOLI], who is the chairman of the Subcommittee on Immigration, Refugees, and International Law, who was not able to be there, but did read into the record a statement stating that he was unfortunately unable to attend, but that he would continue to participate.

Then the chairman recognized the gentleman from Georgia [Mr. LEWIS] as the first witness.

I mention that because a substantive part of the gentleman from Georgia's [Mr. LEWIS] testimony was that, and I quote from page 10 of the transcript, "the action of the administration"—clearly that is the Reagan administration—"regarding the Cuban detainees will be remembered as a mockery of our justice system in this country, a country that has prided itself on welcoming oppressed people yearning for freedom."

When the time came for me to ask questions, I was recognized by the chairman, the gentleman from Wisconsin [Mr. KASTENMEIER], and at that point I was recognized by the chairman and this is the form of the recognition.

"We have Mr. SWINDALL. I referred to him at the outset. He had been a member of this subcommittee up to this time and has always been interested in obviously the Atlanta penitentiary and the situation down there. As I indicated, he has a long and abiding interest as well. I yield to the gentleman from Georgia."

At that point I proceeded to ask a series of questions with the following preface, at that point I stated on the record, "I would like to just for the record ask a series of questions if you will, Mr. LEWIS, with respect to some of the basic differences of opinion which we have. My first question is, given the current immigration as it read at the time these individuals were admitted into this country and given the fact that roughly 125,000 individuals came into this country, the INS was placed in the unprecedented situation wherein they had to screen these individuals once they arrived on our shores, as distinguished from before they arrived on our shores, and further given the fact that it was necessary once they were screened for these individuals who informed the screeners that they had conducted criminal activities in Cuba or had been released from mental institutions, given all those facts my question, Mr. LEWIS, is what precisely would you have recommended the INS do?"

The gentleman from Georgia [Mr. LEWIS] gave a nonresponsive answer because my next question was, "I am not sure you have responded to my question. What would you do with those individuals?"

Then the gentleman from Georgia [Mr. LEWIS] gave an answer which I said the following to, "You are aware, Mr. LEWIS, that with the exception of roughly 100 individuals each and every individual with whom we are dealing here was in fact released into society and chose on their own volition to commit crimes and to engage in activities that were expressly stated to them as a condition precedent to their being able to remain in this country?"

Then I proceeded to say, "I do not think it is fair to the INS or the Justice Department to state that somehow because individuals chose to violate the terms of their parole that they should not be picked up and brought back into detainment. Do you?"

At that point the gentleman from Georgia [Mr. LEWIS] again was not responsive to my question. We went back and forth and then the chairman, the gentleman from Wisconsin [Mr. KASTENMEIER], made the following statement, "I, too, feel it is too far afield, and I really resent the gentleman from Atlanta attempting to"—then he states, "It is the administration witnesses that we are principally here today to engage."

At that point he terminated my right to ask further questions, a very significant point because so long as I chose to stay within the confines that the chairman found acceptable, he was willing to tolerate my questions but once I asked questions that were outside his preconceived notion of the hearing process, he terminated those rights.

Mr. Speaker, that was at a time that the hearing was being held before C-SPAN live. Because I was confident the chairman, the gentleman from Wisconsin [Mr. KASTENMEIER], could not have been aware of the letter of invitation, I chose not to engage the chairman at that point and instead took the letter behind the cameras, addressed the gentleman from Wisconsin's [Mr. KASTENMEIER] attention to the letter, and he stated he would not recognize my right to ask further questions.

At that point I proceeded to tell the gentleman from Wisconsin [Mr. KASTENMEIER] that if he would not recognize those rights I had no choice but to make an issue of it.

I then returned to my seat, waited until the appropriate time after the second witness had been dismissed, and asked the gentleman from Wisconsin [Mr. KASTENMEIER] if he would allow me to ask questions, and he said, "No."

At that point, Mr. Speaker, my rights pursuant to this letter of invitation were in fact violated. But here is the part that concerns me the most. After I left the room, the gentleman from Wisconsin [Mr. KASTENMEIER] then made this statement on the record, that he was disappointed that I chose to conduct my own minirights.

Then off camera, apparently according to Rydell article, he made the statement, "After the hearing KASTENMEIER said he simply wanted to move the hearing along and added that the incident could have been avoided if the two had agreed beforehand on Mr. SWINDALL's participation."

Mr. Speaker, I state that because the chairman, the gentleman from Wisconsin [Mr. KASTENMEIER], knew perfectly well at the time of his own letter because I had presented the letter to him and it has to be stated with that knowledge, yet he chose to state to the media present that it could have all been avoided had we worked out the participation agreement beforehand.

As the record will show, that had been worked out.

Second, the gentleman from Wisconsin [Mr. KASTENMEIER] made the statement, and this is according to an AP story, that I had "abused the privilege of being a guest of his subcommittee. We have some cameras from Fox Broadcasting of Atlanta here, and I am sure he hoped to use this hearing for a wider audience."

Mr. Speaker, my point is this: there is no more fundamental right than the right for a Member of Congress, having been invited to participate in an important hearing, to participate without restraint from a chairman who perceives his role to be much broader obviously than the rules of this House, and also given the fact that I was expressly invited. But what also concerns me is that this is a civil liberties subcommittee, and yet here I was trying to pursue a line of questioning that did not in effect fit within the chairman's narrow scope and that was according to his own statement, to focus in on the administration witnesses.

My question to the gentleman from Wisconsin [Mr. KASTENMEIER] would be, why then did we call the gentleman from Georgia [Mr. LEWIS] to come in and talk about the Reagan administration's "mockery of justice"?

Mr. Speaker, my other question would be, why was I not allowed to at least correct the record when he made those statements, to point out some very substantive facts including the fact that with the exception of 125 individuals all of these people chose to violate the law and were picked up because we, the Congress, passed laws stating that as a condition precedent to their right to remain free they cannot violate any of the 30-some specific commissions?

The point is this, this happens all the time in this body. We are narrowly defined in terms of what we may pursue. We saw that yesterday, of course, with the so-called Civil Rights Restoration Act where there were no amendments allowed. Then we will see it today when we debate democracy and freedom in Central America where no amendments are allowed. But one of the great realizations at that moment was, as I listened to the Subcommittee on Courts, Civil Liberties, and the Administration of Justice pursue an agenda, it occurred to me that if that is our definition of the democratic process in the United States of America, and in the Congress of the United States of America, I now have a whole new understanding as to why a majority of this body believes that we have democracy or the democratic process in Nicaragua. By that definitional standard, of course, we do, but my point is that this is not Nicaragua, this is the Congress of the United States of America.

Mr. Speaker, I would also say in closing that the gentleman from Wisconsin [Mr. KASTENMEIER] stated that he resented my questions.

Mr. Speaker, at what point in our important democratic process does the fact that the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice resent a question does he have the right to ter-

minate the rights of a duly elected Member of Congress?

Mr. Speaker, my point is, as the gentleman from Wisconsin [Mr. KASTENMEIER] addresses the microphone, I would like for him to kindly state to his constituents as well as mine and all of our colleagues here in the House, by what possible authority does the gentleman from Wisconsin [Mr. KASTENMEIER] believe that he can terminate the rights of a Member of Congress after giving an express invitation to attend and participate before national news coverage, before C-SPAN, by simply stating that he resents the questions which the gentleman asked which were very deliberately stated to be probative and directly within the confines of the scope as originally stated, not as subsequently diminished.

Mr. Speaker, I would be happy to yield to the gentleman from Wisconsin [Mr. KASTENMEIER], the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. SWINDALL. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I will first state that my reply will be brief. Mr. Speaker, I have chaired the Subcommittee on Courts, Civil Liberties, and the Administration of Justice for 20 years, and I have never had a problem such as that which is presented by the gentleman from Georgia [Mr. SWINDALL].

If indeed, Mr. Speaker, I violated the rule, let the gentleman cite the rule. The fact is the gentleman from Georgia [Mr. SWINDALL] was as he suggested invited to this subcommittee proceeding in what I construed to be as a guest of the subcommittee, and I had intended that the gentleman from Georgia [Mr. SWINDALL] participate, notwithstanding the fact that there were a large number of members of this 15-member subcommittee present and we had a substantial agenda in terms of a witness list. As a matter of fact, I made reference to the gentleman from Georgia [Mr. SWINDALL] at the outset which he has quoted, which was certainly in no sense derogatory, if not in positive terms.

Mr. Speaker, it is true that the gentleman from Georgia [Mr. LEWIS] was the first witness. He was not originally scheduled, as the gentleman from Georgia [Mr. LEWIS] will remember, but asked to speak briefly at the outset which I agreed to do. I recognize that he, as the gentleman from Georgia [Mr. SWINDALL], are from one of the areas in question; namely, Atlanta, GA.

Mr. Speaker, I was appalled at the confrontational tone that the first questioning took.

Mr. SWINDALL. Mr. Speaker, I am going to reclaim my time.

Mr. KASTENMEIER. Other committee members did not ask the gentleman from Georgia [Mr. LEWIS] questions of this kind.

Mr. SWINDALL. Mr. Speaker, I would wish to reclaim my time for a comment, and lead the first question in contention.

The SPEAKER. The gentleman declines to yield at this point.

The gentleman from Georgia has the floor.

Mr. SWINDALL. Mr. Speaker, I am glad the gentleman from Wisconsin [Mr. KASTENMEIER] stated a reference to the question because I would like to read the confrontational tone of the question. I do think it strikes at the heart of this matter.

Here it is, and I quote:

My first question to you would be that given the current—

Mr. Speaker, let me read this question in its entirety because this certainly is an important point:

First of all, let me compliment the chairman for holding these hearings and state at the outset that the reason I am no longer in fact a member of this subcommittee is that I chose to become a member of the Immigration Subcommittee in order to address this very issue, because in reality, of course, the Immigration Subcommittee controls the very law that in effect binds our judiciary system in terms of how to deal with individuals such as these individuals.

I also want to compliment my colleague from Georgia, Mr. LEWIS, for his concern about this issue as he and I both know we have dealt on many occasions with this issue prior to this and sometimes in public forums.

I would like to just for the record ask a series of questions if you would, Mr. LEWIS of Georgia, with respect to some of those basic differences of opinion.

My first question to you would be that, given the current immigration law as it read at the time these individuals were admitted into this country—

And I read the rest of the question. But my point is that if that is the gentleman from Wisconsin's [Mr. KASTENMEIER] definition of a question that was confrontational, I plead guilty.

Mr. KASTENMEIER. Mr. Speaker, would the gentleman yield further?

Mr. SWINDALL. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, in my view, and I think in the view of many of those present, it was, notwithstanding the reading of it, and I would ask that the relevant transcript of that hearing be made part of the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

OVERSIGHT HEARING—MARIEL CUBAN DETAINEES

THURSDAY, FEBRUARY 4, 1988

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES, AND THE ADMINISTRATION OF JUSTICE, COMMITTEE ON THE JUDICIARY,

Washington, DC

The subcommittee met, pursuant to call, at 9:30 a.m., in room 2237, Rayburn House Office Building, Hon. Robert W. Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Kastenmeier, Berman, Cardin, Moorhead, Hyde, Lungren, DeWine and Coble.

Also Present: Representatives Frank and Swindall.

Staff: Susan Coskey, Counsel; David Beier, Assistant Counsel; Joseph V. Wolfe, Minority Counsel; and Veronica L. Eligan, Clerical Staff.

Mr. KASTENMEIER. The committee will come to order.

Mr. HYDE. Mr. Chairman.

Mr. KASTENMEIER. The gentleman from Illinois.

Mr. HYDE. I ask unanimous consent that the subcommittee permit the meeting today to be covered in whole or in part by television broadcast, radio broadcast, and/or still photography pursuant to Rule 5 of the Committee Rules.

Mr. KASTENMEIER. Without objection, that will be permitted.

At today's hearing we will review the events surrounding the November riots by the Mariel Cuban detainees at the Oakdale Federal Detention Center and the Atlanta Federal Penitentiary.

To fully comprehend the significance of these events, we must go back to 1980, when over 125,000 Cubans came to this country via the Cuban port of Mariel. Since that time, the saga of the Mariel Cuban detainees has been an issue that has strained our criminal justice system, plagued our consciences, as thousands of Cubans have been permitted to remain indefinitely detained in our penal institutions.

In 1987, the State Department announced that it had reached an agreement, an immigration agreement, with Cuba that paved the way for the return to Cuba of perhaps as many as 2,500 or, in the longer term, even more, or perhaps fewer of these Mariel Cubans.

This subcommittee has been interested for some time. Two years ago yesterday, on February 3, 1986, together with the minority and majority counsels of this subcommittee, I went to the Atlanta Federal Penitentiary to see what conditions 1,862 Cubans were subjected to in that institution. We wrote a report in April, 1986, in which we urgently commended the administration to some course of action, either a combination of resuming negotiations or reaching a favorable agreement with Mr. Castro, and as an alternative, to move those Cubans out of Atlanta to other institutions more suitable to their condition.

Many of them were mentally ill, others needed education and training, to take their place ultimately in the society if ever they were to be released. And so this agreement of last November was, I think, a welcome agreement. Nonetheless, obviously we also, I must say, breathed a sigh of relief when the riots at both the Oakdale and Atlanta facilities ended with minimal bloodshed and loss of lives. We realize the patience with which

the Bureau of Prisons, directed by Michael Quinlan, managed the situation, and the persistence of the Department of Justice in negotiating the agreement with the Cubans. On the other hand, I think it is appropriate to look at that situation to see whether or not for future reference that situation could be avoided.

In conjunction with the negotiated immigration agreement with Cuba, the Attorney General of the United States committed to each Cuban detainee that he would receive one more full, fair, and equitable review of his file before a decision was to be made possibly to deport him to Cuba.

I know we are all anxious to hear about the circumstances surrounding this agreement with Cuba, the rioting by detainees, and the administration of the Attorney General's review plan. We are informed that a report is now in the Attorney General's hands from the Bureau of Prisons and other officials with respect to a review of that situation. So to enable us to look at these and other issues, we this morning call upon a distinguished and undoubtedly informative group of witnesses.

Before I introduce them, I would like to read a letter from my companion and colleague, the Chairman of the Subcommittee on Immigration, Refugees and International Law, Congressman Romano Mazzoli, who states as follows:

"Mr. Chairman and members of the subcommittee: The recent uprisings at the Atlanta and Oakdale Federal Detention facilities underscore the urgent need for a coherent national policy that reconciles potential conflicts between detention objectives and immigration objectives. Today's hearing is an important step in that direction, and I commend you, Mr. Chairman, for the diligence and sensitivity you have brought to this effort.

"Regrettably, business in my home district prevents me from joining you at today's hearing. Nonetheless, I have directed staff to be present and will receive a full briefing upon my return. Beyond that, I hope to work closely with you in the weeks and months ahead to ensure that the Mariel Cuban situation is fairly and sensibly resolved.

"I ask that this statement be made a part of the record." Without objection, it will be, that statement from the Chairman of the Judiciary subcommittee that deals with immigration and nationalization aspects of the situation.

Mr. KASTENMEIER. If there are no statements from members of the committee, I would like to introduce the witnesses. Our first witness this morning is a Member of Congress from the area in which the Atlanta Penitentiary is located. He, along with several others, have been interested in this situation. I know Congressman Swindall of the full committee has been interested in this question, and Senator Breaux, surely in the Oakdale situation, from Louisiana. But I would like to call upon the Honorable John Lewis for a brief statement, the Congressman from Georgia, for his review of the situation of last November. We're delighted to have you this morning.

Mr. Lewis.

STATEMENT OF HON. JOHN LEWIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. LEWIS. Thank you, Mr. Chairman.

Mr. Chairman, I have a prepared statement that I would like to present for the record.

Mr. KASTENMEIER. Without objection, your statement will be received and printed in the record, and you may proceed as you wish.

Mr. LEWIS. Thank you, Mr. Chairman. I will be summarizing my prepared statement.

Mr. Chairman and Mr. Hyde, I want to thank you for giving me the opportunity to appear before your committee. The Atlanta Federal Penitentiary, the site of the prison takeover by Cuban inmates on November 23, 1987, is in the heart of the 5th Congressional District of Georgia, which I have the honor to represent.

Mr. Chairman, some of the Cubans that came here during the summer of 1980 violated our laws and served time in our correctional facilities. Upon release, these individuals were picked up by the Immigration and Naturalization Service and put in indefinite detention with no hope of due process or parole. Remember, these Cubans were not serving any prison sentences. They had already paid their debt to society. They were being incarcerated for a second time for violating immigration rules. But this time, no judge, no jury, no attorney, and no due process. Just locked up and the keys literally thrown away. Eventually, most of the Cuban detainees were consolidated in two facilities in Oakdale and Atlanta.

On Good Friday, April 17 of last year, I paid an unannounced visit to the Atlanta Penitentiary. I spent almost four hours in the facilities. Some of these young men have been in prison since the 1980 boat lift and had not received a hearing during this seven-year period.

During the tour I visited the medical center and saw how some of the inmates had tried to slash their wrists. Many patient-inmates appeared to be heavily sedated.

I talked with many of these young men who had been there since they were 15 or 16. None of the inmates I spoke with had any idea when or if they would ever be released. I learned that there had been over 150 serious suicide attempts at the Atlanta Penitentiary in the last six years. There was a sense of hopelessness and despair that permeated the entire facility. I found the situation at the Atlanta Penitentiary truly appalling.

My remarks in the Congressional Record of April 27, 1987 reflected my concerns following this visit. You have a copy of those remarks. On April 28 I wrote to INS Commissioner Alan Nelson and asked what policy the INS had developed to address the indefinite detention of the Cuban inmates.

On June 15, 1987, the INS announced the Cuban Review Plan. The process would examine the cases of the Cuban detainees and decide who among them might be eligible for release. The detainees were not allowed to present witnesses on their behalf. The detainees did not have timely access to their Government files which the INS would use to support its decision. And there was no neutral decision maker. The "judge" was an INS officer who had participated in a one-day training session, and who would have this assignment for an average of ten days.

Two weeks after the Cuban Review Plan was announced by INS, nine of my colleagues joined with me in writing to Commissioner Nelson of the INS. We stated that the plan was inadequate and recommended changes. When months went by and it was clear that the INS was unresponsive to the recommendations made by ten Members of Congress, I asked the Office of Legislative Counsel to draft legislation calling for due

process procedures with respect to the INS Cuban Review Plan.

The draft legislation was delivered to my office on Friday, November 20, the same day the State Department released its communique revealing secret negotiations with the Republic of Cuba aimed at deporting detainees. Riots broke out at the Alien Detention Center in Oakdale, Louisiana on that Saturday night, and the Atlanta Prison takeover started Monday morning.

Mr. Chairman, the initial cause of the prison uprising is obvious. When news broke Friday, November 20, 1987, that the United States and Cuba had reached an agreement on deportation, the detainees reacted. But the announcement by the State Department only triggered the waiting time bomb.

The events in Oakdale and Atlanta showed once again what happens when men in prison are given no hope for basic human justice. When those who are incarcerated feel they have nothing left to lose, you see the kind of behavior exhibited in Oakdale and Atlanta. When men are held in indefinite detention, with no hope of minimal due process, then are not apprised of an international agreement which may depart them to a country against their will, it should be less than surprising when they revolt against this system of justice.

Mr. Chairman, allow me to close by saying that the action of this administration regarding the Cuban detainees will be remembered as a mockery of our system of justice in this country, a country that has prided itself in welcoming oppressed people yearning for freedom. The last seven years have been wasted years for these Cuban detainees. We have wasted a significant portion of their lives. In Atlanta, the heart of my congressional district, an entire institution was wasted with the dubious duty of imprisoning these refugees at a cost of between \$30- and \$40 million a year, according to the Bureau of Prisons. Let us stop this waste and injustice now.

Thank you, Mr. Chairman, and Mr. Hyde.

Mr. KASTENMEIER. Thank you, Congressman Lewis, for your observations and reciting your own interest in this matter. I think many of the concerns you reflect will be discussed here this morning.

It seems to me, as a result, it is clear that the administration was caught in between a situation where people were held in unsuitable conditions—after all, presumably the Helsinki Accords refer not to just other countries but presumably to us as well. On the other hand, many of the people who were detained, it seems fairly clear, were not in a position to take their place in the community in the United States. So some middle ground had to be found and some hope had to be given, it seems to me, to the detainees. Through treatment and education and training and so forth, many of them could eventually become released into the community, if they were not otherwise deportable. That is something that had to be reconciled.

It seems to me that the agreement, however, reached last November was the unlocking of the situation, and the administration is now moving forward—and we're going to see in what fashion. I don't think anyone contemplated the catharsis of that resulting in the riots, but at least out of that I think can come a realization of some of the ends that you have suggested in your testimony, and certainly your concern for really a sort of lost generation of illegal aliens, Cubans in this case, is commendable.

Does anyone else have any questions? If not, we thank you.

Mr. SWINDALL. Mr. Chairman, I would like to just ask my colleague a few—

Mr. KASTENMEIER. Incidentally, I would suggest here that in addition to Mr. Hyde and Mr. DeWine, and Mr. Cardin and Berman, that we have Mr. Swindall. I referred to him at the outset. He had been a member of this subcommittee up to this term and has always been interested in obviously the Atlanta Penitentiary and the situation down there. As I indicated, he has a long and abiding interest as well.

I yield to the gentleman from Georgia.

Mr. SWINDALL. Thank you, Mr. Chairman. First of all, let me compliment the Chairman for holding these hearings and state at the outset that the reason I am no longer, in fact, a member of this subcommittee is that I chose to become a member of the Immigration Subcommittee in order to address this very issue. Because, in reality, of course, the Immigration Subcommittee controls the very law that, in effect, binds our judiciary system in terms of how to deal with individuals such as these individuals.

I also want to compliment my colleague from Georgia for his concern about this issue. As he and I both know, we have dealt on many occasions with this issue prior to this, and some times in a public-type forum. I would like to just for the record ask a series of questions, if you would, Mr. Lewis, with respect to some of those basic differences of opinion.

My first question to you would be that, given the current immigration law as it read at the time those individuals were admitted into this country, and given the fact that of the 125,000, roughly, individuals that came to this country, the INS was placed in an unprecedented situation wherein they had to screen these individuals once they arrived on our shores, as distinguished from before they arrived on our shores, and further given the fact that it was necessary, once they screened these individuals and were informed by the individuals themselves that they had histories with respect to criminal activities in Cuba or mental institution confinement, what precisely would you have recommended that the INS do—given their dual responsibility of, one, protecting the American public, and two, making certain these individuals in this unprecedented situation of screening once on our shores as opposed to before arriving on our shores—do to meet that dual obligation, given these admittedly unprecedented circumstances.

Mr. LEWIS. Mr. Swindall, I felt from the very outset that the basic constitutional rights—Now some people in INS and our Department of Justice took the position that these people didn't really exist, that they didn't have any constitutional rights. But I felt, by housing and holding these people indefinitely, without giving them any idea when they would be released, was a violation of certain basic, not only constitutional rights, but basic human rights.

We don't treat our own people like that, and we shouldn't be put in a position of treating other people like that. We argue that they are not citizens of America so they don't have rights. But they have rights as human beings. They were brought to this country and incarcerated. Some of them committed very minor crimes and were locked up indefinitely.

Mr. SWINDALL. I'm sure you responded to my question. What would you do with those individuals—and in this case you're aware, of course, that of the 125,000 individuals

that were processed by the INS, within short order roughly 120,000 people were immediately released into society. And by immediately, I'm talking about after the processing had been done, and we're talking about less than a month's period of confinement.

What would you have done with those individuals who stated unequivocally that they had been confined in Cuba for acts of violence or had been released directly from Cuban mental institutions where they were dependent on drugs and various sedations to control their behavior? What would you have done?

Mr. LEWIS. Most of the people—I'm talking about the people that I came in contact with, not the 125,000 or the 100,000, but the young men that I spent more than four hours with in the Atlanta facility, a great majority of these young men would have been, I think, allowed under my plan to go out into the larger society and become valuable citizens of this country.

Mr. SWINDALL. Well, you are aware, of course, Mr. Lewis, that with the exception of roughly 100 individuals, each and every individual with whom we are dealing here was, in fact, released into society and chose on their own volition to commit crimes, or to engage in activities that was expressly stated to them as a condition precedent to their being allowed to remain in this country, something that they could not do, and they chose to do it anyway.

Now, I will grant you that that is different from the type of activity that a U.S. citizen could be detained for. But the point is we, Congress, delineated some 30 specific conditions precedent to allowing individuals to stay in this country. And in each of these cases, we are talking about individuals that were released into society and chose to violate, if you will, the terms of their parole.

Now, I don't think it's entirely fair to the INS or to the Justice Department to state that somehow, because these individuals chose to violate the terms of their parole, that they should not have been picked back up and brought back into detainment. Do you?

Mr. LEWIS. But, Mr. Swindall, you would agree that there should be due process, there should be hearings, they should have the right to an attorney, should have an opportunity to get their Government files.

Mr. SWINDALL. Of course, Mr. Lewis, you and I both know that I agree that the due process requirements—and I'm going to talk with Judge Shoob, because I really think that Judge Shoob has stated as clearly as anyone that is familiar with this case what due process entails—

Mr. LEWIS. I agree with the decision. I think if the Department of Justice and this administration would have followed the guideline and the order of Judge Shoob, we wouldn't be here today.

Mr. SWINDALL. Well, rather than focusing on our agreement—

Mr. KASTENMEIER. I think we are getting just an argumentative problem here.

Mr. SWINDALL. Mr. Chairman, if I may—

Mr. KASTENMEIER. It's too far afield and I really resent the gentleman from Atlanta attempting to—it is the administration witnesses that we are principally here for today, not to engage in an interminable debate between two Members from—

Mr. SWINDALL. Mr. Chairman, I'm not attempting to debate.

What I am attempting to do is, rather than focus upon our agreements, to focus upon some very legitimate disagreements.

Because, if you will, Mr. Chairman, I do believe that there have been a number of statements made throughout the course of this admittedly tragic chapter of American history that are misleading with respect to what, in fact, these individuals were being detained for.

Now, that is separate and apart from the due process issue, and I will be the first to admit that due process is a very important element that has not been followed here. But let's not at the same time confuse the status of these individuals in terms of what they themselves did, whether it was choosing deliberately to violate the terms of their parole, or choosing deliberately to maliciously destroy property. Those are, in fact, things we ought to be focusing on as well, Mr. Chairman.

Thank you.

Mr. KASTENMEIER. We thank the gentleman from Georgia for his appearance this morning.

Mr. LEWIS. Thank you.

Mr. KASTENMEIER. Our first administration witness this morning will be Mr. Michael Kozak. I say that because our principal witness today following Mr. Kozak will be the Honorable Arnold Burns, Deputy Attorney General. But in terms of maintaining a sequence of events, we have asked the State Department witness to precede the Deputy Attorney General and he graciously accedes in that.

Mr. Michael Kozak is the Principal Deputy Legal Adviser at the State Department and was United States chief negotiator of both the 1984 and 1987 immigration agreements with Cuba. Mr. Kozak, we're delighted to have you here and we're interested to have the details leading up to the negotiated immigration agreement with Cuba. I know you have a long statement here, which you may proceed from as you wish, or summarize it.

STATEMENT OF MICHAEL G. KOZAK, PRINCIPAL DEPUTY LEGAL ADVISER, U.S. STATE DEPARTMENT ACCOMPANIED BY KENNETH N. SKOUG, JR., COORDINATOR OF CUBAN AFFAIRS, U.S. STATE DEPARTMENT

Mr. KOZAK. Mr. Chairman, thank you. With your permission, I will try to summarize it. I have not too much voice today and, both to save your ears and my voice, I will try to summarize my statement.

Mr. COBLE. Thank you, Mr. Chairman.

Mr. Chairman, because of my belated arrival—I had another meeting—I will have no questions at this time.

Mr. KASTENMEIER. I think probably our witness will appreciate that. He has been here over an hour and his voice has about given out.

I join Mr. Moorhead in complimenting you on arriving at an agreement. I think that is the key to being able to respond to this whole problem that perplexed us for some years and hopefully it will work out.

We thank you, Mr. Kozak, for your appearance here this morning.

Mr. KOZAK. Thank you.

Mr. SWINDALL. Mr. Chairman. May I be permitted to ask—

Mr. KASTENMEIER. No, you may not. You are not a member of this subcommittee.

I would like to now call the next witness. Our principal witness today is the Deputy Attorney General, the Honorable Arnold I. Burns, and he is here to discuss roles of the Department of Justice and two of its agencies of the Immigration and Naturalization

Services and the Bureau of Prisons, in context to the Mariel Cubans.

Mr. KASTENMEIER. I would like to yield now to the gentleman from California, Mr. Moorhead.

Mr. MOORHEAD. Thank you, Mr. Chairman. Mr. SWINDALL. Will the gentleman from California yield for a brief statement?

Mr. KASTENMEIER. Of course, the gentleman from California can suit himself on that.

If the gentleman from Georgia has questions of General Burns, the Chair will recognize him.

Mr. SWINDALL. Mr. Chairman, I have questions of the last witness. As you well know, you sent a letter to our chairman, Mr. Rodino, on January 6, in which you stated that because of the jurisdictional lines being split between the Immigration Subcommittee and the so-called Courts, Civil Liberties and the Administration of Justice—

Mr. KASTENMEIER. I have not yielded to the gentleman from—

Mr. SWINDALL. Mr. Chairman, if you will not continue to yield, I am going to step outside the chamber and hold my own press conference—

Mr. KASTENMEIER. You may do so.

Mr. SWINDALL [continuing]. Because I was invited to this subcommittee to participate and you have attempted to basically focus the direction of this subcommittee on those questions that you deem necessary.

Mr. Chairman, I, for one, am fed up with a House that is run by rules that basically focus on what the majority wants to focus on. The chairman, I think, tipped his hand when he said that the purpose of this subcommittee is to focus on the Administration's handling of this issue. I think it is broader than that. I think that we ought to be looking at all the issues that caused the riot, not those are predetermined by the chairman.

So, Mr. Chairman, if you would like to call back the last committee witness and allow me to ask the questions that I would have asked, I will remain. Otherwise, I am going to hold a press conference outside and state exactly what the chairman is attempting to do here.

Mr. KASTENMEIER. The gentleman is invited to hold his press conference.

Mr. SWINDALL. Thank you, sir.

Mr. KASTENMEIER. I will say that there have been clearly a number of minority members here this morning, Congressman Hyde, Congressman Moorhead, Congressman Lungren, Congressman Coble, Congressman DeWine. They, I hope, feel that they are entitled to ask any questions they wish about this matter.

This is not an attempt to blame this Administration. Indeed, the problem started, the Chair will observe, under President Carter in his invitation, presumably, to Mr. Castro to send any and all people from Cuba. So the purpose of this is to look at how this problem was administered and what the prospects are, no matter what administration would have this responsibility, I might say, and indeed, I assume, this responsibility will go over to the next administration, whatever character that administration will have. We will not be able to solve this problem that General Burns is describing this year, so there will be a new administration, of what character those of us on the committee know not, that will have to deal with this and carry it through.

I think, respecting all Americans, we hope that this can be successfully dealt with and

resolved. I am sorry that the gentleman from Georgia sought to conduct his own mini-riot here, but the committee will proceed.

The gentleman from California.

Mr. MOORHEAD. Thank you, Mr. Chairman. I would like to commend General Burns, indeed, all the people in the Department of Justice, for their role in settling the uprisings in the way that they did. It is amazing that you were able to get them settled with so few injuries and casualties.

Assuming you had had more notice of the agreement, what additional precautions would you have taken at Atlanta and Oakdale?

Mr. KASTENMEIER. Mr. Speaker, if I may continue, as a matter of fact, after the completion of the second witness, a State Department witness who had been on for quite a while, and it is true I did not recognize the gentleman from Georgia [Mr. SWINDALL] at that point in time, the gentleman from Georgia [Mr. SWINDALL] raised a point at the point the third witness, the Deputy Attorney General, Mr. Burns had testified, and he did not tell us this but I had asked the gentleman from California [Mr. MOORHEAD] to yield, and he is the ranking minority member of my subcommittee, and I said that the gentleman from Georgia [Mr. SWINDALL] would be recognized for asking questions of that witness.

Mr. Speaker, the gentleman from Georgia [Mr. SWINDALL] said at that point that unless I recalled the preceding witness, he would have a press conference in the hall, and I said, "Well, be my guest if that is the course of action you wish to follow."

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Mr. SWINDALL. Reclaiming my time, Mr. Speaker, that is absolutely accurate and correct. And let me state the heart of why we disagreed at that point, because I really think that it expresses the real heart of the issue here.

Mr. Speaker, I think it is evident that the chairman of this subcommittee, the Subcommittee on Courts, Civil Liberties and the Administration of Justice, believes that it is within his purview, one party having ruled continuously since 1954 I can understand that perspective, but the point is he believes it is within his purview to pick and choose the witnesses that a participatory Member has the right to confront.

I knew the gentleman was still sitting in the front seat. I wanted to save the taxpayers the expense of my subcommittee having to recall him, to have to come up and retestify to what I knew but for the discretion or resentment of the Chair would have otherwise been available to me, and of course I am not going to do that any more, so then if I were a trial attorney and the judge said I will let you cross-examine this witness but not this witness, if I am going to present my case I think it is important that all aspects,

not just those aspects which the Chair sees fit to probe are probed.

Specifically I would state that in light of the Chair's statement that we are here to focus on the administration witnesses, that is not what the gentleman said at the outset of the hearing. At the outset he said we are here to find why the riots occurred. It is interesting how we begin to narrow the focus as the gentleman pursues what has to be a different agenda from the gentleman from Georgia, myself.

So at that point I would state that yes, the gentleman is correct. I found that an incredible violation of a right that I have as a Member of Congress, having been invited expressly to attend and participate, and I would like to now address the question that the gentleman raised earlier. What rule did I rely on when I came to ask those questions, and the answer is the rule of the Constitution of the United States of America, because under our Constitution I was elected as a Representative of my district. It may well be true that those individuals that I represent may not like the questions that I ask, and in that case, every 2 years they have an opportunity to either reject or accept my representation. But, Mr. Speaker, and this runs really to the heart of the issue, we cannot have a democratic process that is meaningful if any chairman, whether it is the chairman of the majority party when the Democratic Party rules, or the chairman of the Republican Party when the Republican Party rules who believes that it is within his purview to pick and choose the witnesses or the tone or the nature of the questions asked, any more so than it would be right if a judge said I am going to let you only interview the witnesses that are helpful to the prosecution's case.

At this point I would be happy to yield back to the gentleman from Wisconsin, chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield further?

Mr. SWINDALL. I am happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I have no further comment to make other than the gentleman has been unable to cite any rule that has been violated. He was, as I say, in my view a guest of the committee. He was not a functioning member of the subcommittee. The subcommittee members, and there were at least five minority members present during that hearing, interceded not one word in behalf or in support of the gentleman's complaint.

Mr. SWINDALL. Reclaiming my time, I might add that I am sure that

my colleagues believe that I am capable of taking care of myself.

Mr. KASTENMEIER. If the gentleman will yield further, nor do they have any complaint that parallels the gentleman's as to the partisan nature of this hearing. And he did get up and give a long comment about partisan nature of the hearing itself.

The hearing was conducted in an otherwise orderly and fair fashion, and I have had no member of the minority other than the gentleman, who is not a member of the subcommittee, issue a word of complaint about that hearing, nor indeed any member of the administration as far as that goes.

Mr. SWINDALL. Reclaiming my time, let me in fact read the colloquy which the gentleman mentioned because I think it is very important to the point he just mentioned. If this is a partisan statement, I think the record speaks for itself, and I will quote from page 81.

Mr. Chairman, I have questions of the last witness. As you well know, you sent a letter to our chairman, Mr. ROBINO, on January 6, in which you stated that because of the jurisdictional lines being split between the Immigration Subcommittee and the so-called Courts, Civil Liberties and the Administration of Justice—

At that point you interrupted and said:

I have not yielded to the gentleman—

Then I stated:

Mr. Chairman, if you will not continue to yield, I am going to step outside the chamber and hold my own press conference—

Then you stated:

You may do so.

Then I stated:

Because I was invited to this subcommittee to participate and you have attempted to basically focus the direction of this subcommittee on those questions that you deem necessary.

Mr. Chairman, I, for one, am fed up with a House that is run by rules that basically focus on what the majority wants to focus on. The chairman, I think, tipped his hand when he said that the purpose of this subcommittee is to focus on the administration's handling of this issue. I think it is broader than that. I think that we ought to be looking at all the issues that caused the riot, not those predetermined by the chairman.

So, Mr. Chairman, if you would like to call back the last committee witness and allow me to ask the questions that I would have asked, I will remain. Otherwise, I am going to hold a press conference outside and state exactly what the chairman is attempting to do here.

At that point you said:

The gentleman is invited to hold his press conference.

After I walked calmly out of the room, the gentleman then stated that, "This basically constitutes a mini-riot" on my part.

Mr. KASTENMEIER. Will the gentleman yield at that point because the gentleman is not quoting the tran-

script in full. Will the gentleman yield?

Mr. SWINDALL. The gentleman is correct, I have not yielded, if the gentleman pleases. The transcript is, in fact, 151 pages long. I have not attempted to quote it in its entirety. But I am happy to yield if the gentleman would be respective of my rights. I would be happy to yield for the purpose of the gentleman quoting other portions.

Mr. KASTENMEIER. The gentleman having yielded, he quoted the gentleman, that I said the gentleman is invited to hold his press conference, and Mr. SWINDALL then said, "Thank you, sir."

I said, "I will say that there have been clearly a number of minority Members here this morning, Congressman HYDE, Congressman MOORHEAD, Congressman LUNGREN, Congressman COBLE, Congressman DEWINE. They, I hope, feel that they are entitled to ask any questions they wish about this matter."

"This is not an attempt to blame this administration. Indeed, the problem started, the Chair will observe, under President Carter—"

Mr. SWINDALL. Reclaiming my time—

Mr. KASTENMEIER. The gentleman has carefully—

Mr. SWINDALL. Mr. Speaker, reclaiming my time—

Mr. KASTENMEIER. Failed to make reference to the comments.

Mr. SWINDALL. Mr. Speaker, I have reclaimed my time. I have a question to ask the gentleman.

My question is, Why does the gentleman feel that civil liberties and rights of certain Members are appropriate but not my right given the fact that I am the ranking member of the Subcommittee on Immigration, Refugees, and International Law? I was invited at the gentleman's insistence expressly to participate, and given the fact that I was participating until I asked some questions that "you resented."

I am happy to yield for purposes of the gentleman answering that question.

Mr. KASTENMEIER. If the gentleman will yield, I will once again repeat, Mr. Speaker, the gentleman was invited, but he was not invited as a member of the subcommittee holding the hearings.

Mr. SWINDALL. Reclaiming my time, does that mean, Mr. Chairman, that so long as individuals stay within the gentleman's framework and within the questions that he prescribes and determines to be OK, that individuals could continue to participate? Had I chosen not to ask questions the gentleman found resentful or resented, I should say, would I have been allowed to participate in full just as any other Member of the Congress invited to participate?

I am happy to yield for purposes of the gentleman's reply.

Mr. KASTENMEIER. If the gentleman will yield, it was not necessarily the questions alone but the gentleman's manner, the sort of contentious spirit in which the questions were asked, frankly, that I thought or that led me, as I say, and I have been a subcommittee chairman for 20 years, to think that the hearing would not be assisted by that sort of questioning. I called off what I thought was overconfrontational questioning in terms of the gentleman from Georgia [Mr. LEWIS]. I was called to gavel the committee to order. I frankly used my position as chairman to make that judgment.

As I say, I treated the gentleman as a guest in that room, and I thought he abused, frankly, the privilege, and that was a judgment this chairman made. If I violated any rule, the gentleman has failed to cite it.

Mr. Speaker, I think the matter should be brought to a close.

Mr. SWINDALL. Reclaiming my time, I would just ask the gentleman one other question then. What specifically did the gentleman have in mind when after the hearing he stated to a reporter that this entire incident could have been avoided if the two had agreed beforehand on my participation, given the fact that the gentleman had sent a letter stating that I should participate, does that in fact mean so long as my participation is within the framework of the gentleman's agenda for the hearings which he stated specifically was to focus on administration witnesses?

I am happy to yield.

Mr. KASTENMEIER. Mr. Speaker, what I had in mind was discussing with the gentleman how long he wanted to question witnesses. We do not have or we do not exercise a 5-minute rule in this subcommittee. But if the questioning becomes unduly protracted, I do have a problem. And whether the gentleman, for example, wanted, as the gentleman from Colorado [Mr. LEWIS] did, even to address the committee at the outset, those are things we might have discussed.

As I said, I felt that we could have determined the nature of the gentleman's participation at that point in time and probably what has occurred would not have occurred. But that is what I meant by it.

I have not had a problem with the gentleman from Georgia before when he was a member of the subcommittee in the 99th Congress. I was not looking for any difficulty in this particular hearing with the gentleman from Georgia.

The gentleman will also recall that the second witness said he had difficulty speaking, and he had a cold, he had already been examined for a pro-

tracted period of time I thought by the subcommittee, and I thought that the gentleman would probably unduly prolong the examination of that witness, quite candidly, and I elected not to call on him. That, of course, was the major problem the gentleman had. But, in any event, as I say, that was an exercise, a judgment that chairmen occasionally have to make. I would rather accommodate people than be engaged in a contest with them. That is the way I have operated for 20 years, and members of my subcommittee know that.

Mr. SWINDALL. I thank the gentleman.

Let me just state that is certainly not consistent with what the gentleman said at the time that he cut me off. What he stated, and I am stating it in its entirety, "Too far afield," no mention of time, "Too far afield and I really resent the gentleman from Atlanta attempting—it is the administration witnesses that we are principally here for today, not to engage in an interminable debate between two Members."

In other words, Mr. Speaker, the gentleman did not state at the time that there was a time restraint, he did not state at the time that I was not a member of the subcommittee. He stated that he resented my questions.

Mr. Speaker, I would close by saying that is certainly nothing personal here. I do not intend this to be an engagement based on personality. It is an engagement based on a very fundamental right, one of the most fundamental rights. It has nothing to do with the rules of this House, it has everything to do with the Constitution, which is the supreme law of the land, which describes exactly how members of the United States at large that are called citizens are to elect Representatives to represent them.

I would close by saying the heart of the issue is not whether I am there to represent the views of the chairman or whether I am there to follow the very close rein that the chairman obviously feels he has over every Member's right to freedom of speech, so that if I choose in the future to ask questions I have to be very careful not to in any way offend the chairman's notion of the scope of the hearings, but rather I have got to walk on a very tight line to make sure that I am within that scope. That, Mr. Speaker, is not my definition of the democratic process. It is certainly not what our Constitution stands for.

It is true, I could have avoided this confrontation. But to have avoided this confrontation would have I think been a violation of the gentleman's constituents' rights, my constituents' rights as well as the constituencies of every one of the 435 Members of the House of Representatives. I would certainly seriously hope that every

Member of this body would think about the fact that when a minority Member is cut off because one Member of Congress feels that the questions are inappropriate, then every Member of Congress is ultimately at risk of being similarly severed of their rights, but worse than that, the American people. If this were not the "Civil Liberties" Subcommittee, perhaps I would have a slightly different attitude. But this is after all the "Civil Liberties" Subcommittee.

I would hope that the next time we pass a Civil Rights Restoration Act that we think in terms of restoring of the minority party in this House who are trying to participate, despite rules that say Members may not amend the Civil Rights Restoration Act, may not amend the aid for freedom and democracy in Central America, a bill which we are debating here today.

Mr. Speaker, I appreciate the Chair's time and appreciate the chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice taking his time. I think this should be instructive to all of us in terms of exactly what our rights are, whether a Member be a minority or majority member.

Mr. Speaker, I submit for the RECORD the aforementioned letter dated January 6, 1988.

COMMITTEE ON THE JUDICIARY,
Washington, DC, January 6, 1988.

Hon. PETER W. RODINO,
Chairman, House Committee on the Judiciary,
Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I have received your letter of December 18, 1987 in which you inquired about the plans of the Subcommittee on Courts, Civil Liberties and the Administration of Justice to investigate and hold hearings on the Mariel Cuban uprisings.

As you are aware, my interest in the Mariel Cuban situation is longstanding. My involvement in this issue has included two visits to the Atlanta Penitentiary, one on which I was accompanied by two Committee counsel in February 1986 and one on which I sent an additional Committee counsel in October 1987. After the first visit, the Subcommittee issued a report urging a quick and just resolution of the inhumane detention of thousands of Cuban detainees. The Subcommittee was in the process of evaluating the information acquired during the second visit when the detainees began rioting at the Oakdale and Atlanta facilities.

It has been my intention since those two institutions were sieged to conduct hearings on the Mariel Cuban detainee situation. So as not to adversely impact the hostage situation however, I decided to postpone any public action until both hostage crises had been resolved and the Bureau had been given time to recover from the trauma of the riots. In the meantime, I had instructed my staff to obtain as much information as possible regarding the events surrounding the rioting by the detainees.

Unfortunately, the informal gathering of information by the Subcommittee staff has been much more difficult than I had expected. From the first day of rioting at Atlanta until last week, the Department of Justice had cut off the normal lines of communica-

tion between the Bureau of Prisons and the Subcommittee staff, requiring the staff to speak only with Department of Justice spokespeople from the Office of Legislative Affairs about the detainees. The information provided by these spokespeople was, at best, slow in coming and the staff often found themselves reading newspaper articles which cited Department of Justice sources and contained information that the Department of Justice had refused to provide directly to the staff.

In addition, I have attempted to schedule briefings with the State Department, Department of Justice, Bureau of Prisons and Immigration principals involved with the Mariel Cubans. Though the State Department representatives met with me within days of my request, two meetings scheduled with the other principals were cancelled at the last minute by the Department of Justice. (The second meeting was to have been held with members of the Subcommittee staff after I was unexpectedly called out of town to attend a funeral.) This frustrating interaction with the Department of Justice further confirms the need for formal hearings on this topic, particularly in light of information provided by the State Department that directly contradicts certain representations made by the other agencies.

As you recognized in your letter, the issues raised by the Mariel Cuban uprisings span the jurisdiction of two Subcommittees, my own and the Subcommittee on Immigration, Refugees and International Law. Because it is impossible to bifurcate the issues along jurisdictional lines, the hearing that will be conducted by my Subcommittee will necessarily include some witnesses and information that might properly be brought before the Immigration Subcommittee. I, therefore, welcome any member of staff of the Immigration Subcommittee to attend and participate in the hearing that we will conduct on this issue.

With warm regards,

Sincerely,

ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts,
Civil Liberties and the Administration
of Justice.

□ 1200

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION TO PROVIDE ASSISTANCE AND SUPPORT FOR PEACE, DEMOCRACY, AND RECONCILIATION IN CENTRAL AMERICA

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

Resolved, That immediately without intervening motion upon the adoption of this resolution it shall be in order for Representative Michel of Illinois, or his designee, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of a joint resolution to provide assistance and support for peace, democracy, and reconciliation in Central America consisting of the text printed in section one of the report of the Committee on Rules accompanying this

resolution, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and which shall not exceed two hours, equally divided and controlled by the majority and minority leaders, or their designees, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the amendment printed in section two of the report of the Committee on Rules accompanying this resolution, by and if offered by, Representative Foley of Washington, or his designee, said amendment shall be considered as having been read, shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto, and shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted and the previous question shall be considered as ordered on the joint resolution and amendment thereto to final passage without intervening motion except one motion to commit which may not contain instructions.

Sec. 2. If the joint resolution made in order by section one of this resolution is not considered, it shall be in order to consider in the House a joint resolution to provide assistance and support for peace, democracy, and reconciliation in Central America, if offered by Representative Foley of Washington, or his designee, consisting of the text printed in section two of the report of the Committee on Rules accompanying this resolution. The joint resolution shall be debatable for not to exceed two hours, equally divided and controlled by the majority and minority leaders. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to commit which may not contain instructions.

The SPEAKER. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT] and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 390 provides for the consideration of a house joint resolution providing assistance to support the peace process in Central America printed in section 1 of the report of the Committee on Rules accompanying this resolution.

Under the rule, it is in order for Mr. MICHEL or his designee, immediately after adoption of the rule, to move that the House resolve itself into the Committee of the Whole for the consideration of the joint resolution printed in section 1 of the report of the Rules Committee.

General debate is confined to the joint resolution and is limited to 2 hours equally divided and controlled by the majority and minority leader or their designees.

The joint resolution is not amendable except by an amendment printed in section 2 of the Rules Committee

report, by and if offered by Representative FOLEY or his designee.

The amendment is debatable for 1 hour equally divided and controlled by a proponent and a Member opposed thereto. The amendment is not subject to amendment.

The rule also provides for one motion to commit.

Mr. Speaker, the rule further provides that should the joint resolution printed in section 1 of the Rules Committee report not be considered, it would then be in order to consider a joint resolution to provide assistance and support for peace and democracy and reconciliation in Central America if offered by Representative FOLEY or his designee.

The joint resolution would consist of the text of the amendment printed in section 2 of the Rules Committee report.

General debate on this joint resolution shall be 2 hours equally divided and controlled by the majority and minority leaders. Because the joint resolution is considered in the House, it is not amendable.

The rule also provides one motion to commit.

Mr. Speaker, this is a fair rule under which to consider assistance and support for the peace process in Central America. As you will recall on February 3, 1988, this House considered the President's proposal for aid to the Contras. The package was not amendable. There was an up-or-down vote. The understanding among Members was that if the February 3 proposal was defeated, there would be an opportunity to vote on an alternative package.

In the past month, a broad-based group of Members of this body have worked on such an alternative. The leadership made repeated offers to the administration and the minority to work together to craft this package. But, much to our regret, the minority did not choose to come to the table.

Mr. Speaker, today we avail ourselves of the opportunity to present a positive package to support the peace process in Central America. It is only fair that the first vote be on this alternative package.

The administration had a chance to present its package on February 3. If the minority were to vote first today, it would have had two consecutive opportunities to present its unamended proposal before the House, before any alternative was even considered.

Mr. Speaker, the minority requested an opportunity to present its proposal. In this rule we have provided to them what was denied us on February 3 to have structured the vote any other way than we did would have been unfair to the majority of the Members of this body who want to vote for an alternative package that supports the peace process in Central America.

The alternative package I will offer on behalf of a broad-based coalition of Members—liberals, moderates, and conservatives—will put this Nation squarely in support of the peace process in Central America. It is a balanced package which provides incentive to both sides to reach a negotiated settlement in Nicaragua.

Specifically, the total aid package is \$30.56 million over 4 months. It includes \$16 million over 4 months to provide only food, clothing, shelter, communication equipment, medical services, medical supplies, and payment for transportation of these items to the Contra forces.

In the absence of a cessation of hostilities between the Contras and the Nicaraguan Government, the Department of Defense would deliver the supplies. The DOD supply operation would be subject to inspection by both the House Intelligence Committee and the General Accounting Office. The DOD will contract out delivery services to non Government personnel very much like the Central Intelligence Agency did. There are strict prohibitions against any U.S. military personnel in the war zone.

In the event there is a cessation of hostilities, responsibility for delivering the aid would be transferred to a non-political private voluntary organization or an international relief agency such as the Red Cross.

The package also includes \$360,000 per month in aid to the Miskito Indians with whom there is currently a cessation of hostilities. The aid would continue through the International Red Cross or other independent agency as long as the cessation of hostilities lasts and there is progress toward a cease-fire.

Should there be a negotiated cease-fire between the Nicaraguan Government and the Contras, assistance would be continued after July 1 through December 31, 1988 as long as the cease-fire was still in effect. The assistance would be provided through the International Red Cross or another nonpolitical voluntary organization or international relief agency. The aid would be provided in terms consistent with the cease-fire agreement.

This Democratic package also includes \$14.56 million for medical care and other relief for children who are victims of the Nicaraguan war. The funds would be channelled through the Agency for International Development to a nonpolitical private voluntary organization or relief agency already in operation in the area.

Mr. Speaker, the package also includes expedited procedures. The special procedures are triggered if, any time after June 1, 1988, the Intelligence Committee of the House reports that there is no negotiated cease-fire

in place as a result of a lack of good faith efforts by the Nicaraguan Government while the Contras have been making a good faith effort to negotiate.

If the Intelligence Committee makes such a finding, the majority leader or his designee may introduce a resolution calling for additional assistance to the Contras, which will be considered within 10 legislative days.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have asked unanimous consent to revise and extend my remarks, and also to include extraneous matter, because I would like to begin today by reading some quotes from various articles into the RECORD. The first one is from the Washington Post of Wednesday, March 2. This is an article entitled "GOP Opposes Contra Aid Voting Plan." I will read one paragraph:

Several times in the past week Wright has said that the House minority would have an opportunity to have its contra-aid plan voted on. Last Thursday, for example, when asked about the displeasure of some liberal Democrats with that pledge, Wright said, "I don't think you win by denying other people" a vote on the Republican plan.

Mr. Speaker, in a release issued by the House Republican leader, the gentleman from Illinois [Mr. MICHEL], on March 1, consisting of only three brief paragraphs, he said this:

Seldom in my tenure in Congress has the Democratic majority exercised such abuse of the legislative process as they have in the procedures which have been forced upon us for considering the Speaker's Contra aid proposal.

The Rules Committee's action in effect denied the bipartisan coalition's proposal for effective Contra aid any real chance of passing or even being voted on.

In over 30 years as a Member of this institution, I have kept my word. I expect others to do the same.

I have one other quote to offer. This is not on the rule itself, but it was on the UPI wire service this morning, and it says this:

In Managua, President Daniel Ortega called for direct talks with the Contra rebels next week in a small border town inside Nicaragua, saying Roman Catholic Cardinal Miguel Obando y Bravo no longer is needed as mediator.

Mr. Speaker, we see reports that the Soviet Union continues to build up its arms support that they are providing to the Sandinistas in Nicaragua. I have to ask my colleagues, "Don't these things concern you? Aren't you concerned about each one of these four points I have made?"

I would begin my remarks on the rule today by asking this question: Is there any honor and trust left between us in this institution? If there is, can we not this morning come up with a better and a fairer rule than the one we have before us as reported by the Rules Committee?

This is not a fair rule. One can make the argument: "Oh, you will have a chance to make your case for the Michel alternative proposal." But will we have a chance to have a vote on it? Not if the majority proposal passes, no chance at all.

□ 1215

Ordinarily, I would think that the Rules Committee would have done what we have done in the past in this sort of situation, still giving the majority position the primary one, with the so-called king of the hill process; debate your proposal, your alternative; debate our alternative; vote on our alternative, and if it wins or it fails, then you go to the majority proposal, and if it wins, you prevail because it is the king of the hill. The last to be voted on that passes, wins. That would have been fair. Everybody could have had their chance. Everybody could have debated their proposal, had a vote on it, but the last one that wins prevails.

I thought that was what we were going to have; so I was stunned by what I found the Rules Committee prepared to do, a process that does not give the substitute that would be offered by Mr. MICHEL or his designee an opportunity to be voted on. No, that is cut out.

Now, let us take a moment to look back at the history of this issue. We voted "yes" on February 3 on the President's package, but it was defeated by eight votes, and we all know that one of the reasons it was defeated on that close vote was because a promise was made at the last minute, "Oh, but we'll give you an opportunity for another vote for some kind of aid before the end of the month of February." That promise was made and it affected some votes. As the Republican whip, I know it affected some votes, just enough to make the difference.

Well, we did not get that vote before the end of February, for some strange reasons. The Rules Committee was to meet in time to have that rule allowing this additional vote or votes to come up. I thought everything was all worked out. I was prepared to support the rule, which would have had an alternative proposal from the majority and an alternative from the Republicans that would be debated and voted on, but for some reason the Rules Committee did not come back and vote like we were supposed to, and all of a sudden it was even off the agenda. It was not going to be considered on the floor of the House.

I was puzzled, but I was told, "well, it is because the Members do not know much about either proposal." That is true, because no committee has considered the substance of this, not even the Rules Committee. But there was more.

Yes, the Rules Committee would come back this week to meet again on

the Contra aid rule. And the agenda put out by the Rules Committee indicated that we would take up one other issue first and then we would take up the rule on the Contra aid package. But when I arrived, to my amazement, the order had been reversed and, whammo, a rule had already been reported out by the Rules Committee, without hearing any further comments from anybody.

Frankly, only moments before had the Republican leader been advised that the opportunity for him to have a substitute and have it voted on, as a matter of fact, had vanished.

Then, when he came to the Rules Committee to testify on the so-called Grove City bill, he tried to make some comments on this rule, and he was at least tapped down, if not gavelled down, and told, "Hey, you're here to talk about this other bill. We don't want to hear that."

Well, after a little tete-a-tete back and forth, I have to say that majority was kind enough to allow our leader to at least make his comments, and he was as kind as he could be in saying, in effect, "The agreement I was told is not here. It is gone."

So that is why we find ourselves where we are today. There is no need for it.

What are you afraid of? You have got these hordes of votes over here. Why can you not give everybody a fair shot and let us vote on both issues?

It is a different issue. These are different times. A lot has happened since February 3, but now under this rule, we are not going to have that opportunity.

Now, let us talk about the differences between the two bills, the main differences. The Democratic leadership package totals around \$30.5 million, of which \$16 million is purely humanitarian assistance, foreign aid, if you will, over 4 months and \$14.5 million is relief for children who are victims of the war in Nicaragua.

The Michel proposal, or his designee, on the other hand, totals \$36.2 million, of which \$22.25 million is in nonlethal aid to the Contras over roughly 2 months, and \$14 million is in medical assistance to children injured in conflicts in Central America.

But now we come to the critical differences between the two packages, and that is, what do we do if the peace process collapses?

First of all, one other point. It does say that the DOD, the Department of Defense, will have to deliver whatever aid we do send forward, not the CIA.

You know, I tell you, this is step one, getting the Defense Department directly involved, which many of us on both sides of the aisle have been saying from the beginning that we do not want to get into.

The Michel substitute permits the President, though, if the peace process does not work, to submit a request for further Contra aid, which includes military aid, if after April 15 he certifies that an agreed-upon cease-fire is no longer in place due to bad faith on the part of the Sandinistas, and not the Contras.

The Democrats' package simply hints at the prospect—hints at the prospect of a vote on further Contra aid after June 1, but that is conditional on a finding by the House Intelligence Committee—the House Intelligence Committee, get that, not even the Senate Intelligence Committee, no involvement by the administration, that the Sandinistas, and not the Contras, are to blame for a cease-fire breakdown.

There is nothing in the language to mandate the Intelligence Committee to report to the House one way or another. It is purely discretionary; but in the event that it does make such a finding, expedited consideration or additional Contra aid would only apply to a joint resolution introduced by the majority leader in the House or his designee, but again, it is purely discretionary. He is not required to introduce a resolution even if the Sandinistas are exterminating the populace.

And keep in mind that the majority leader has been one of the most outspoken opponents of aid to the Contras. But, if by some miracle the majority leader should introduce such a resolution, it would be referred then to the appropriate committees. And if not reported after 7 days of session, it would be discharged and placed on the calendar; but it would only be privileged for consideration if called up by the majority leader, or his designee, after it has been on the calendar for 3 days of session.

No other Member can call up the resolution, if the majority leader decides to let it die on the calendar.

Moreover, it would not be subject to amendment unless the Rules Committee reports a special rule making amendments in order. In other words, even if the President makes a request for military assistance, it is unlikely that it would receive floor consideration.

Keep in mind that the majority leader's resolution does not have to go through the Rules Committee, and yet only the Rules Committee can make an amendment in order.

The Republican leader's proposal, on the other hand, gears the expedited procedures to a Presidential finding and a request for further aid, the way we traditionally have treated this important foreign policy initiative and others like it.

Moreover, any Member can introduce the necessary joint resolution of approval and call it up as privileged after 15 days of session.

So unlike the Democrats' proposal, the Michel plan ensures that a Presidential request for Contra aid will be considered. It does not depend on Contra aid opponents to trigger the process.

While it is true that the Michel proposal does not permit amendments, it is evident that the Rules Committee could easily intervene and make an alternative in order, and I assume they would, and we would probably have no problem with that.

This is facilitated by explicit language carried forward from the CR from last year that permits the House to change the Contra aid procedures at any time by a simple majority vote.

So the key questions in this whole procedure are, first, do we want to leave the question of further Contra aid solely in the hands of the Contra opponents; and second, do we want to shift responsibility for major foreign policy findings and initiatives from the President to the Congress?

Mr. Speaker, as far as I am aware, this is the first time in the history of our Republic that Congress has not only invested itself with the executive right to initiate a major foreign request, but has shut the President completely out of the process. For some 200 years now the President has been recognized under our system as the chief policymaker and spokesman for this country, but no more.

This Democratic leadership bill is not just a partisan flap. It is a radical departure and repudiation of our constitutional system of executive preeminence in matters of foreign policy.

Keep in mind here that nobody is talking about giving the President a completely free rein. The Congress must still enact any further Contra aid requests. We still have the power of the pursestrings under the Constitution.

Mr. Speaker, let me just conclude by observing that the Michel proposal honors and protects those traditional and constitutional roles and prerogatives of both branches. By ensuring a vote on any Presidential request, it applies real pressure on the Sandinistas to abide by any cease-fire agreement.

The Democratic proposal, on the other hand, offers no assurance that a certification report will ever be made by the Intelligence Committee. It offers no assurances that the expedited Contra aid resolution will even be introduced.

It offers no realistic prospect that a Presidential request would be permitted a vote.

Some of you might say, "Oh, well, this is still the normal process. We will get it on the appropriation bill if we need to."

Do you know when we are going to get a Defense appropriation bill through the whole process? Not May, not June, not July, not August, maybe

September, but probably the last vote of the last day of the session the first of October, wrapped up, I am sure, in some continuing resolution, but certainly not before sometime in December.

The Michel proposal, on the other hand, it our best hope for a genuine peace with freedom and democracy in Central America, because it puts real pressure on the Sandinistas to produce, rather than merely posture until the Contras fade away.

Mr. Speaker, I urge adoption of the Michel plan and, in order to ensure that the House will even have a chance to vote on the Michel plan, as promised by the Speaker, I urge defeat of the previous question and adoption of the king of the hill substitute rule, which I will be prepared to offer at the proper time.

I thank you for your patience. I urge you to defeat this rule if the previous question is not defeated.

Mr. BONIOR of Michigan. Mr. Speaker, let me make just a few brief comments with regard to my dear friend, the gentleman from Mississippi. Then I would yield to my friend, the gentleman from Massachusetts.

Mr. Speaker, we considered long and hard how we would deal with this rule, and we tried to look at this issue from the perspective of both people in our party and people in your party. It just seemed fair. I should point out that there was a good deal of comment to the leadership from Members on our side of the aisle with respect to not making any alternatives in order for you.

The argument went that you had your chance on February 3. Let us put our alternative package up without any opportunity to have it amended, just like the February vote when we did not have the opportunity to amend yours, but we rejected that. The Speaker felt it was necessary, and I think correctly so, to allow the Republicans to come forward with a substitute.

The question then was, who goes first, who goes second? Had we allowed the Republican substitute, the Michel substitute, to go first, it would have been quite possible that not only would you have gone first on February 3 and had your vote, gone first today and had your vote, but if you had prevailed today you would have had an opportunity under expedited procedures submitted by the President to have another vote sometime down the road within a month or a month and a half, and you would have had three shots in a row. That just did not seem fair to our side.

So what we have here is a situation today somewhat similar, but a little more fair, than what we did on February 3. It is similar in the sense that the burden will be on your side to

defeat our proposal, and if you are successful, you will immediately have an opportunity to get a vote on your proposal. We did not even have that opportunity on February 3. Once it was defeated, the package was gone. There were a good deal of numbers, as the gentleman correctly pointed out, who wanted to see something passed, and the Speaker made a commitment that we would be able to provide an alternative, and he said we would be able to do that at the end of February, sometime in February.

Well, we tried. We worked hard to come up with something to meet that February deadline last week.

We asked you all to participate. We were not successful in getting your cooperation on that, for reasons that may completely have been legitimate. I do not begrudge you for not partaking. I wish you would have come up, but you did not.

Then on Thursday when we had our Rules Committee meeting, we heard witnesses. We still had not seen the Democratic product or the Republican product, and it was felt by Members, and I think a reasonable request was made by a good deal of the Members, that they have a little bit of time to digest what you have put together and what you showed us at 6 o'clock on Thursday evening and what we frankly showed you at 6 o'clock on Thursday evening.

Mr. LOTT. Mr. Speaker, if the gentleman will yield, we were looking for your proposal at 6 o'clock, and it was not available.

Mr. BONIOR of Michigan. No, but we came together at 6 o'clock with proposals, and there was a lot of confusion on what was in those packages. We decided to delay it over for a couple days, and that is basically what we have done, and I think we have kept our commitment in bringing this to the floor in an expeditious manner.

Now, the gentleman from Mississippi has made four points. The gentleman talked about the rule. Let me go to a second point.

The gentleman mentioned the talks in Nicaragua, the cease fire talks, and the article that was in the paper today.

I would point out to my friend, the gentleman from Mississippi, that for 3 or 4 years Members on his side of the aisle have been pleading with the Nicaraguan Government: First, to meet face to face with the Contras and with their directorate; and second, to do it inside Nicaragua. That was accomplished by last night when the Government of Nicaragua agreed to meet the directorate of the resistance for the Contra forces, and they agreed to meet them inside Nicaragua.

□ 1230

This does not take y Bravo out of the process. He is still head of the rec-

onciliation commission. He will be an important player in reconciling the problems of that country.

The third point the gentleman from Mississippi [Mr. LOTT] made is that arms are still flowing into Nicaragua from the Soviet Union. I would suggest to my friend that if he is so concerned about that, that he would go to the White House and meet with his friends and get them to take up on Gorbachev's offer on cutting off the pipeline of arms to Nicaragua. Gorbachev has made that offer on a number of occasions, and the administration has not picked it up off the table.

It seems to me if they were really interested in reaching a ceasefire and reconciling problems in that country, that that would be one of the first things to do.

Mr. Speaker, I might point out in our alternative package we encourage that. We encourage bilateral talks as well.

The fourth point that the gentleman from Mississippi [Mr. LOTT] mentioned was the question of timing last week on the February vote. I think I have alluded to that. I think Members on both sides of the aisle were pleased that we did not take that vote last week and we had time to digest it.

Mr. LOTT. Mr. Speaker, would the gentleman yield?

Mr. BONIOR of Michigan. Mr. Speaker, I yield to my friend, the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I have two or three points in response to what the gentleman from Michigan [Mr. BONIOR] has said.

First of all, he makes it sound like this vote on February 3 was something that we insisted on, or that we forced on our colleagues in the House where there would be only one vote.

I remind the gentleman from Michigan [Mr. BONIOR] that that was a bipartisan agreement, and as a matter of fact Members on your side of the aisle and I think probably the gentleman from Michigan [Mr. BONIOR] himself was very much involved in that, insisting that it come up in the way that it did and that it not be subject to amendment because I presume they wanted to see what the President had proposed and to just try to defeat that. But that was a bipartisan agreement that was reached late last year in the continuing resolution. That is point No. 1.

Mr. BONIOR of Michigan. Mr. Speaker, I will reclaim my time, and I would be happy to yield right back to the gentleman from Mississippi [Mr. LOTT], but that was a concession that we made to Senator STEVENS over in the Senate. I was not for putting the procedures in that manner together, but we agreed to that for the sake of comity and getting the reconciliation bill through. My colleagues should know that that was a Republican pro-

posal that was part of the package that was put together and it did not come from our side. I frankly did not agree with.

Mr. Speaker, I yield to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I was not in the negotiations myself, but my understanding is that it was a bipartisan arrangement.

Second, as far as the order, I really think that maybe if I could have talked to the gentleman from Michigan [Mr. BONIOR] before we had this rule, we could have worked out a different rule that would have been fairer and that would have been satisfactory to all parties. Our colleagues on your side of the aisle can set up this king-of-the-hill voting any way desired and if your side wanted to have the first vote it could be set up that way. At least it would have been a vote on both substitutes, and the last one prevailing would win. I do not say that that is a perfect process, but it is one that we have used before here and generally speaking everybody has been satisfied with that. If the order of vote was so important, I say to my friend the gentleman from Michigan [Mr. BONIOR], your proposal could have gone first, or we could have gone first. Or we could have mixed it either way. Traditionally your side does have control over which one goes first, but at least we would have each had a shot on a vote. In this process, if your side wins, that is it. There will be no vote on the alternative package.

As far as Gorbachev's offer to stop sending arms into Nicaragua, maybe the gentleman from Michigan [Mr. BONIOR] knows more about that offer than I, but I have not heard the proposal. I presume there is a second step to that tied to something. I do not know what that might be. I know they have not shown any inclination to stop flooding arms into that area.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, looking at the numbers of arms that are coming into Nicaragua and the agreements that have been made by Soviet advisers with Cuban advisers together with the Sandinistas all the while the Arias peace talks were ongoing to increase military strength of the Sandinistas to 600,000 men, and to provide for contingency plans for attacks on Costa Rica, and in the event of emergency to put Mig aircraft at Punta Hueta, I think it is ridiculous to state that if Mr. Gorbachev, if only asked, would remove the Soviet presence from Central America.

Mr. BONIOR of Michigan. Mr. Speaker, reclaiming my time, the fact of the matter is that Gorbachev put it on the table and the President has already admitted and so has the State Department that the offer was made. The question is whether this Government is willing to pick it up. To date they have not.

I say to my colleagues on the minority side that they are in a better position to get the administration to address this issue than we are. I would suggest that they start doing it if they really want to stop the flow of Soviet arms to Nicaragua.

Mr. HUNTER. If the gentleman will yield, is the gentleman from Michigan [Mr. BONIOR] stating that Mr. Gorbachev has offered to get out of Central America and stop the flow of arms if we will only ask him, or is the gentleman from Michigan [Mr. BONIOR] offering to become a player in diplomatic relations?

Mr. BONIOR of Michigan. I do not know of private offers, but I do know that publicly he suggested that he would stop sending military arms into Nicaragua. The real question is, Is there going to be a followup by this administration on that important point?

Mr. Speaker, I will yield further to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I think we need to clear this point up because I am sure if there is such an offer it is a two-step offer and I do not know exactly what it would involve but perhaps it would involve something in Afghanistan or something of that nature because this is strictly news to me.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I am glad to follow the gentleman from Mississippi's [Mr. LOTT] two-step.

Mr. Speaker, I want to address the procedural aspects of this rule.

If inconsistency was legal tender, the Republican leadership position on rules would have paid off the national debt a long time ago. I asked my staff and they worked very hard, and I got a small staff like most of us in the House, and they could not get all of these bills but I asked a simple question, how many times has the Republican leadership supported closed rules in the House keeping Members of this House from offering amendments?

Mr. Speaker, I just have some highlights here. There was the trade bill, the tax bill, reconciliation in 1981, the budget reconciliation involving Gramm-Latta, the Reagan tax cut of 1981, Social Security amendments of 1983, all major pieces of legislation. The Committee on Rules brought out a closed rule with the support of the

Republicans. They did not even ask for a rollcall on that one.

In 1984 there was another tax reform, the 1985 Tax Act, the minority leadership voted for closed rules on all of them. In some cases I wanted to offer amendments, and sometimes I voted against them. There are people in this body who are consistently in favor of always allowing things to be amended, but none of them seem to be in the Republican leadership. That is OK, but allowing amendment at any time is not like a hot water faucet. One cannot turn it on and off when one finds it convenient and claim then to be a principal supporter of openness. The charge that somehow the Republican leadership is being unfairly treated because a particular rule structures things, is wholly at variance with their behavior since I have been here. When they find it convenient, they will vote for no amendment at all. This includes votes on tax bills, trade bills, budget reconciliation, the most important legislation we deal with and it all comes here with Members unable to offer any amendments which the Republican leadership supports.

So spare us the lamentation. One cannot be a virgin every other month. One cannot have a principle to which one occasionally is deeply committed and spend the rest of the time violating.

There is simply no commitment on the minority leadership to an open rule.

What is wrong is the air of injured innocence, "My goodness, we are not going to get the amendment voted on in the form we want," from people who have time and again voted to allow no Member at all to offer any amendment on some of the most important legislation we have.

As to the specifics of this rule, what they are complaining about, by the way, is not that their proposal cannot be considered. They apparently think they have a right to have it considered unamended. The Republican proposal, over the objections of many on the Democratic side, and I have heard it, in full conformance with the pledge of the Speaker, and I want to say that we are here dealing with this because the Speaker made commitments and he has been absolutely scrupulous in carrying them out. What he said is that we will have a choice, so the Republican bill is on the floor, and what is the objection? What is the horror that has been perpetrated on this Republican bill? It is subject to amendment. That is the violation of civil liberties from which we have been hearing complaints because all the rule says is here is the Republican bill and the Democrats may offer a substitute. That is the procedure which is almost always what we get with the other side. We have a bill, and they offer an

amendment. If a majority of the House votes for an amendment, the amendment carries. If a majority of the House votes against the amendment, the amendment does not carry, and lo and behold, if a majority of the House were to agree with the minority leadership, what would we have before us? Their bill. Pristine, and open for a vote.

So their complaint is not that their bill cannot be voted on, it is that the rule would allow a majority of the House if it chooses, to amend their bill, but if a majority of the House declines to amend the bill, then that bill is voted on and it will be before us.

So this is one of the new horrors of the age that the Republican leadership, since I have gotten here, has voted for absolute closed rules banning amendment on some of the most important legislation to come before us, and they are upset because their bill which they are allowed to bring forward is subject to an amendment. If a majority of the House does not agree with their position, then somehow that is a violation of democratic procedures.

Mr. Speaker, I have heard arguments around here that lack merit, but if we had a category in the winter Olympics for the least consistent, least justifiable complaint that I have ever seen, the Republican leadership would have won the gold, the silver, the bronze, and the tin on this one because there is absolutely no substance to their argument.

Here is what the Committee on Rules has said to the House. "Choose."

Mr. Speaker, let me add one other thing, and I have to agree that the Speaker broke his word, he said February 29, and here it is March 3. I will have to say that in the history of the Republic, slippage from February 29 to March 3 is probably not in the first 7 billion problems, but that is the only problem they can legitimately complain about. Everything else is not only fair, it is a lot fairer than the rules they have helped consistently to foist on this House.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must respond to what we have just heard.

It is obvious that the gentleman from Massachusetts [Mr. FRANK] does not know a virgin when he sees one because first of all he has a lot of his information wrong. A lot of those rules that the gentleman from Massachusetts mentioned as a matter of fact did have amendments made in order including the legislation on trade, and the legislation on the tax bill. That is point No. 1.

Point No. 2, we will go with an open rule on this. If my colleagues want to go with an open rule, yes, sir, offer

that as an alternative and we will vote to defeat the previous question and go with an open rule on this. But what is at stake on this, and this is may final point. Quite often we do work together across the aisle. Our leadership works with your leadership. Our leader works with your Speaker, and while we might not approve of the rules that are agreed to in the give-and-take, and when it is worked out, that is what happens. Members uphold what has been agreed to.

Our biggest complaint here today is that we were led to believe one thing and that is not what we are getting in this rule.

What I am talking about here and what we are the most upset about today, frankly, beyond the substance is the question of trust, the trust that we thought we could rely on on what we were going to get.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. LOTT. Mr. Speaker, I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I think the violations of trust are frankly misrepresentations which I think we are getting because the fact is the minority is getting a vote. I want to respond to what the gentleman from Mississippi [Mr. Lott] said specifically. In some cases the closed rules allowed no amendments whatever. In other cases they did allow one amendment, sometimes two. They kept people from offering other amendments. This bill also allows an amendment. This bill gives people more choice as to the basics than most of these other rules.

I never said that they allowed no amendment at all in every case. I said they were closed rules which occasionally allowed one amendment and often offered none, and the gentleman from Mississippi [Mr. Lott] voted for them in most cases. The gentleman from Mississippi did not always vote for them. The gentleman from Illinois [Mr. Michel] did.

As to breaking of someone's word, the Speaker said we would have a vote. We are going to have a choice, and I think the problem of the gentleman from Mississippi [Mr. Lott] is that he thinks he does not have the votes.

Mr. LOTT. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. Michel], our minority leader.

Mr. MICHEL. Mr. Speaker, if I might quickly pick up on that argument, a simple answer is available there, too, that in all 32 years that I have been in the House of Representatives the Democrats have controlled this body, have controlled the Committee on Rules, and if it was a closed rule, modified rule or whatever, it was a majority proposition that we may or may not have subscribed to at the time but it was not on our initiative.

Mr. Speaker, let me put my rejection of this rule in language as delicate as the situation allows.

The rule stinks. It smells to high heaven.

We were promised a fair shot at a substitute. We got a shot, all right, a shot in the head.

The analogy of the gentleman from Massachusetts [Mr. Frank] to the Olympics in Calgary reminds me that I could make one, too. If I were a judge, I would have to give this rule a 5.9 for artistic impression, I suppose, and a zero for technical merit.

□ 1245

There is a British expression for this sort of thing, "Too clever by half." This rule is too clever by half because what the Democratic leadership may have won in the short term they have lost in the long term in terms of respect and trust and good faith on both sides of the aisle.

As bad as this rule is, the Democratic leadership's aid plan is worse. The Democratic majority, which for years has been yelping and howling about the horror of using American Armed Forces in Nicaragua, has now introduced American forces, Armed Forces, into the situation for the first time.

I will not even go into the so-called expedited procedure provision in the Democratic bill. But you put chains around the President's arms, put a gag in his mouth, shackle his legs, and then tell us those fetters constitute an expedited procedure.

And then there is the question of accountability.

How many Americans know, how many members of the majority know that the tax dollars of American families are going to be handed to the Communist Sandinistas if the Democratic majority has its way? That is a fact.

Under section 10 of the children's survival assistance, one-half of the funds involved shall be provided through nonpolitical, private and voluntary organizations operating inside Nicaragua.

Funds means cash, dollars, money.

But in Nicaragua, all foreign currency must be turned into the Communist government.

There is a list of preferred organizations in the bill, all worthy groups who would get this hard earned American cash. But how long do my colleagues think that cash is going to stay out of the hands of the Communists? What happened to all of those cries for accountability?

And this is what the leadership calls compassion. I call it corruption.

The Democratic leadership's proposal, as well as its rule, is designed not to win peace in Central America but to win votes in this House. It is not worthy of this body.

Mr. Speaker, I find this sordid episode personally offensive. But for a moment, let us turn our attention to an incident in 1982 right on this floor, because it shows how far we have fallen.

Our late and beloved colleague, Dan Daniel, had just spoken out against those who, in his words, were selling out El Salvador. As an aside, I regret that Dan's passing leaves us with only one conservative Democrat on that House Intelligence Committee today. But Dan said:

In our recent history, they are the same groups who supported the Castroists in Cuba, the guerrillas in Vietnam, the followers of Ayatollah Khomeini in Iran, and the Sandinistas in Nicaragua.

Then Dan finished his remarks and another distinguished Member of this body came to the well.

Mr. Speaker, it was you who then said, "I cannot imagine our succumbing once again to the siren song of those who would sell down the river the responsible people who are trying to have a stable, free democratic government."

Those were harsh words. They were true about El Salvador in 1982 and they are true about Nicaragua in 1988.

You did not name names, Mr. Speaker, but you did not have to. You knew who they were and we knew who they were, and we both know who they are today.

So here we are 6 years later. Your words of 1982 are more true today and more relevant than ever.

You were great that day so long ago, Mr. Speaker, really great, telling the truth bluntly in the cause of freedom. And to think we have descended from that height of eloquence and courage to the swampland of this shoddy, contrived, slick, oh so clever rule.

And for what? For what you call giving peace a chance.

This rule and your package does not give peace a chance. This sort of thing never serves a good end.

You have your rule, you have your proposal crafted so that those the Speaker excoriated in 1982 will join him in 1988.

You had better make the most of it now because it will turn infamous with time. I am afraid as well that it will break the sacred bonds of trust so necessary for true cooperation in this institution, and so much a part of our legislative character and integrity.

Out of respect, Mr. Speaker, I prefer to think of you as you were in 1982, standing tall in the great tradition of Roosevelt and Truman and Kennedy fighting totalitarianism and willing to openly condemn those who refuse to do so.

I much prefer that brief, shining moment of truth, that great memory to the tawdry, sad condition we have to deal with here today.

Mr. Speaker, I urge Members to vote down the previous question, vote up the substitute rule offered by the gentleman from Mississippi [Mr. LOTT] who made such an eloquent speech earlier in the day in support of his proposal versus what we have before us at this hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can understand the minority's concern about the rule, and although I do not agree with it I can understand it. And while they find that personally offensive, I would just like to say that the distinguished minority leader's comments about our substitute I find personally offensive, and I will tell my colleagues why.

To get in the well of this House and to portray what we have suggested as introducing United States military personnel into Nicaragua is wrong, inaccurate, and I think he knows it.

We specifically say in our proposal that the Foley amendment applies which prohibits, and I will be happy to send a copy over to the gentleman so he can read it, prohibits United States military personnel in Nicaragua, or to train or to advise or for logistical support.

Second, we referenced the Mrazek amendment which prohibits United States personnel within 20 miles of the Nicaraguan border.

Third, we made it very clear, very clear that the deliveries would be contracted out by the DOD and would not be shipped or flown by U.S. military personnel to the Contra forces.

That is the first thing I find offensive.

The second thing I find offensive is the characterization of our children's survival fund, for a war that has gone on for 7 years, kids without legs and arms, and we provide a package of aid through your agency, through the International Agency for Development, through a Reagan administration appointee to administer, not through the Sandinista Communist government. Let us be clear about that.

Mr. LOTT. Mr. Speaker, while we are trying to check out the accuracy of some of those statements, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I too remember your 1982 speech and found it excellent, and I too find this a sordid affair. It is offensive because of what Gorbachev is sending into the Western Hemisphere. Whatever happened to the Monroe Doctrine?

Here are the figures of Soviet military aid to Nicaragua for the month of January: \$75 million in United States equivalent dollars, of direct military aid. In the very month that we began on February 3 by haggling over \$3 mil-

lion for the Contras which would not buy the landing gear for one United States jet fighter for the Navy, Marine Corps or Air Force, we were haggling over \$3 million while the Soviets sent \$75 million. That means in 10 months they will deliver \$750 million if Gorbachev keeps up this pace. And the biggest year they ever had was 1986 at \$600 million.

So they are reaching new highs of sending military aid onto the soil of the North American continent. What a dream fulfilled for Lenin.

Yesterday was General Secretary Gorbachev's 57th birthday, and we are here acting as though he is sincere in these offers. We are on the phone to the White House right now in the Cloakroom trying to find out the particulars of whether this little walk in the woods, or in the Rose Garden or wherever this statement that Gorbachev offered to stop aiding Nicaragua ever took place was even true at all.

Mr. LOTT. Mr. Speaker, so that we may have an opportunity to respond to some of the things the gentleman from Michigan [Mr. BONIOR] described as personally offensive, I am glad to yield such time as he may consume to our distinguished leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I appreciate the gentleman yielding me this time.

Of course, my reference in my remarks was to page 11 in the committee's report which says:

Provided further, That at least one-half of the funds transferred under this section shall be provided through nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua.

Who are they? Who are they? This is not AID. It is somebody we do not know.

Then furthermore I read from the Democratic Study Group's report here, and I do not know the page, but it is the sixth paragraph:

More important, it represents the first American assistance to the people of Nicaragua since 1979 and the beginning of a change in our national policy toward Nicaragua.

Now you put those two things together, and so who is giving what to whom and how is it going to be administered, while all of the time on that side we hear, where is the accountability?

I know you have a prejudice against the Central Intelligence Agency for whatever reason, but when you deny them, a recognized governmental unit that has in fact done a good job, to be injected, for example, and say maybe it ought to be by the Defense Department, I do not know how that is couched. All I know is that the Defense Secretary yesterday morning at breakfasttime personally said if there is anything I do not need it is any-

thing to have to do with helping to administer what the CIA has been doing heretofore.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, on page 11 of the report, section 10, Children's Survival Assistance:

There are hereby transferred to the Agency for International Development \$14,560,000. The preference in the distribution of these funds shall be given to organizations presently providing similar services such as the Catholic Relief Services, International Committee of the Red Cross, CARE.

Does the gentleman suggest he opposes the Catholic Relief Agency providing funds to children through AID? Does the gentleman suggest that he is opposed to the Red Cross, to CARE providing those funds?

Mr. MICHEL. Excuse me, I did not hear the question, but the other proviso that I read, frankly, forecloses what the gentleman has just said.

Mr. BONIOR of Michigan. I accept that, I accept that.

Mr. LOTT. Mr. Speaker, I have only a couple more requests for time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT] my colleague.

Mr. TRAFICANT. Mr. Speaker, I rise to support the rule and allow this debate, but I am not changing my position. I am opposed to all aid.

Very simply, this is not an issue of not wanting to help Nicaragua or to protect ourselves. In 7 years the record is clear. The Contras have not overthrown an outhouse. They do not control a crossroad. To the best of my knowledge, they have not even overwhelmed a bordello in Central America. The Philadelphia Inquirer said they had not even conquered fear.

But most importantly, the Nicaraguan people do not trust nor support nor have confidence in these Contras.

Robert Owens said publicly he is for the Contras, but privately, in a memo to North, he said they are liars, they are all fluff, no substance, and if you give them any money it is like pouring money down a sinkhole.

Folks, here is how I feel around here today. We are not worried about Ortega, we are worried about a Soviet presence in our hemisphere. President Reagan said when he was elected, "I am going to stop communism." Now is the time for Reagan to be Reagan. Now is the time to challenge them in our hemisphere. Now is the time for this President who talked like John Wayne but performed like Woody Allen to look Gorbachev in the eye and tell him to get out, tell Gorbachev to take his advisors with him, take the Cubans with him, because we are not going to stand for it. And if this House

thinks that the Contras are going to protect America from communism in our hemisphere, then they are as crazy on this as we are on the budget and the deficit.

I am saying here today, and I have had a lot of people talk to me, I think we have one of the greatest Speakers in this House, and history will come to prove it, but I am standing as a Democrat that says this is the same group of Contras, whether it is a Democrat bill or a Republican bill, and let us give a chance for something in Nicaragua to develop that will really challenge Ortega.

I am not against sending money. Find a political opponent down there that can do the job, and I might change my stance. But I am not going to sink money any further down the washtub of nonfeasance, malfeasance, misfeasance, and ineptitude, and those are Mr. OWENS' words, not Mr. TRAFICANT'S.

By the way, I need some jobs.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

□ 1300

Mr. BILIRAKIS. Mr. Speaker, here we are again—yet another vote on aid to the Nicaraguan resistance. But this time it's different, isn't it?

This time it's the House leadership's plan. Fair enough, but why is the alternative proposal not being given a fair hearing?

Yesterday this Chamber passed a rule that effectively barred any chance to fairly debate or amend the civil rights bill. Today we will vote on a rule permitting a parliamentary maneuver I can only describe as bizarre. We all know that it will preclude debate and any vote on the alternative piece of legislation to the leadership's plan.

The Speaker of this House promised to allow a clear vote on the merits of this alternate and we are not getting it.

Mr. Speaker, to pass this rule is to put parliamentary trickery before freedom of speech—before the opportunity to fairly debate peace with freedom in Central America.

I, for one, will not support such a maneuver by voting for this rule.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, today we are continuing the democratic effort to replace American influence in our own hemisphere with Soviet influence. Very simply the Democrats have given away the Panama Canal to Mr. Noriega and it is evident now this will not be the property of the country of Panama, the General Assembly, the President—the guy who fired Noriega is in fact fired himself. We are going to be moving the 193d Army Brigade

from Panama in 12 years, we are going to remove the special forces group, the Air Force south and the Navy forces south from Panama.

At the same time, because of this series of votes, the Democrats have removed the only means of resistance to the Soviet intrusion in Nicaragua. We are giving Nicaragua to the Soviet Union. There are naval bases being built at Corinto on the Pacific side for the first time that will house attack submarines, that will put the Panama Canal at risk. They are building naval bases at El Bluff in Bluefield on the Atlantic side. They have already completed the bomber base at Punta Huete, complete with revetments, for a squadron of Mig aircraft. The Democrats, Mr. Speaker, are trading American influence in our own hemisphere for Soviet influence. This is not a liberal problem, a conservative problem, it is a strategic issue that you must address, because you claim to have taken the leadership in the Central American issue.

The President cannot address this problem without your help. What are you going to do?

Sixty-five percent of the goods that exit or transit the Panama Canal are American goods; they are imports; they are exports.

During World War II Adolf Hitler sunk 114 American cargo ships near the Panama Canal, 560,000 gross tons. Soviet admirals refer to the canal as the American jugular.

You are giving control of the American jugular to the Soviet Union. And I think that Mr. Gorbachev does not care whether La Prensa is printed tomorrow. I think he does not care who is on the Peace Commission or what Mr. Ortega says or does. The only thing that Mr. Gorbachev and his generals care about is whether the bases continue to be built because once the Soviet presence is manifested in those bases in the form of attack submarines on both sides of the continent, and bombers and Mig aircraft at Punta Huete, Soviet influence in this hemisphere and in the land bridge between North and South America is dominant. That is a strategic question, Mr. Speaker, it is not a Republican question or a Democratic question or a liberal question or a conservative question.

What are you going to do?

Mr. Rayburn would have been very concerned about this situation. He would have been very concerned about Americans leaving the canal, American forces, and Soviet forces going in. He would have had a plan.

What is your plan?

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding.

Mr. Speaker, would the gentleman care to comment on the situation with respect to the air base there and Maj. Roger Miranda's suggestion that by 1990 the Soviets would be delivering Mig's to Nicaragua.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker and my colleagues, I am not a fellow who is shy about standing in this well and saying when I think a rule is unfair. I think this rule is fair and I am going to tell you why.

One month ago, one month ago today we stood in this Chamber, we sat in this Chamber and we debated another administration proposal on Central America. We did not have the opportunity under the procedure of that debate to offer a substitute. We did not have the opportunity under the procedure of that debate to offer any amendment at all. We had the opportunity that day to vote "yes" or to vote "no." One month later we in the majority had the opportunity to present our proposal. I think it would be altogether fair coming 1 month on the heels of the events of February 3 for us to simply have an up or down vote, a yes or no vote on the proposal that the Democrats have readied.

We are not doing that. We are not doing that. And I suppose fairness, like beauty, rests in the eye of the beholder. But in this instance today to the extent that our proposal is voted down, it may be—I hope it is not—but to the extent that it is voted down, the Republican proposal will be heard and will be voted on. To the extent that our proposal is carried, there will be an opportunity to vote on a motion to recommit.

Now that may not be perfect Jeffersonian democracy in the eyes of everybody in this Chamber today, but as far as I am concerned, it is a heck of a lot better deal than the rest of us got 1 month ago when we had no opportunity on a motion to recommit, we had no opportunity on amendments.

I hope that when we finally get past this hurdle and we approve the Democrat alternative or the Republican alternative, I would hope that we could put this partisan bickering on this particular issue behind us and that we could begin to talk like Americans, that we can begin to formulate a bipartisan foreign policy. We are awfully close to doing it. It takes a little extra effort and I for one will make that effort.

The SPEAKER. The gentleman from Mississippi [Mr. LOTT] has 1 minute remaining; the gentleman from Michigan [Mr. BONIOR] has 1 minute remaining.

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the proposed rule. This rule does not provide the majority leader and the minority leader with an equal opportunity to offer their proposals for aid to further the Central American peace process. I am opposed to the minority leader's aid proposal, but I, nevertheless, feel that he should be allowed to bring it up for a vote. To do otherwise is undemocratic.

The minority leader has proposed, and I would have preferred, a rule that set up a "king-of-the-hill" procedure. Under this procedure, there would first be a vote on the minority leader's alternative, then a vote on the majority leader's alternative, and the last amendment adopted would be reported back to the House for a final passage vote. This procedure gives both leaders a clean shot, up or down, and actually gives the majority leader the last shot and a chance to prevail, no matter what happened with the minority leader's amendment. The minority leader's rule proposal is moderate, reasonable, and democratic.

A vote against the present rule proposal is a vote for fairness, openness, and equality when it comes to framing the rules under which we debate the issues.

Mr. LOTT. Mr. Speaker, I will take this last 1 minute to close.

Mr. Speaker, I would like to urge my colleagues once again to vote against the previous question so that we can make in order a rule that will provide for the king-of-the-hill process and give us an opportunity to debate both alternatives and have a vote on each of those alternatives.

Failing that, vote against this rule. And if worse comes to worse, I would agree with the gentleman from Delaware, vote "no" on this Democratic proposal, let it go down and then in a couple of weeks or a month maybe we can get together on a legitimate, viable bipartisan alternative.

I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, the gentleman from Mississippi misunderstood the gentleman from Delaware. The gentleman from Delaware will be voting "yes" on the Democratic proposal.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 225, nays 187, not voting 21, as follows:

[Roll No. 22]

YEAS—225

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Bellenson
Bennett
Berman
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
DeLums
Derrick
Dicks
Dingell
Dion
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank

Frost
Garcia
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (SD)
Johnson (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kliczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morrison (CT)
Mrizek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson

Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmeyer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—187

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Billakis
Billey
Boehert
Broomfield
Brown (CO)
Buechner

Bunning
Burton
Byron
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courtner
Craig

Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich

Fawell
Fields
Fish
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Grant
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston

Lott
Lowery (CA)
Lujan
Lukens, Donald
Lunnen
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinar
Montgomery
Moorhead
Morella
Morrison (WA)
Myers
Nichols
Nielson
Oxley
Packard
Parriss
Pashayan
Patterson
Petri
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Salki

Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tausin
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—21

Baker
Bevill
Blagill
Boulter
Clarke
Dickinson
Dowdy

Ford (TN)
Gephardt
Huckaby
Jones (TN)
Kemp
Leath (TX)
Leland
Lightfoot
Porter
Roemer
Schneider
Schulze
Skelton
Towns

□ 1328

The Clerk announced the following pair:

On this vote:

Mr. Jones of Tennessee for, with Mr. Boulter against.

Mr. PICKLE changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 183, not voting 19, as follows:

[Roll No. 231]

AYES—231

Ackerman
Akaka

Alexander
Anderson

Andrews
Annunzio

Anthony	Gejdenson	Oakar
Aspin	Gibbons	Oberstar
Atkins	Glickman	Obey
AuCoin	Gonzalez	Olin
Barnard	Gordon	Ortiz
Bates	Grant	Owens (NY)
Beilenson	Gray (IL)	Owens (UT)
Bennett	Gray (PA)	Panetta
Berman	Guarini	Patterson
Bevill	Hall (OH)	Pease
Bilbray	Hamilton	Pelosi
Boggs	Harris	Penny
Boland	Hatcher	Pepper
Bonior	Hawkins	Perkins
Bonker	Hayes (IL)	Pickett
Borski	Hayes (LA)	Pickle
Bosco	Hefner	Price (IL)
Boucher	Hertel	Price (NC)
Boxer	Hochbrueckner	Rahall
Brennan	Howard	Rangel
Brooks	Hoyer	Richardson
Brown (CA)	Hubbard	Robinson
Bruce	Hughes	Rodino
Bryant	Jacobs	Roe
Bustamante	Jenkins	Rose
Campbell	Johnson (SD)	Rostenkowski
Cardin	Jones (NC)	Rowland (GA)
Carper	Jontz	Roybal
Carr	Kanjorski	Russo
Chapman	Kaptur	Sabo
Chappell	Kennedy	Savage
Clarke	Kennelly	Sawyer
Clay	Kildee	Scheuer
Clement	Kiecicka	Schroeder
Coelho	Kolter	Schumer
Coleman (TX)	Kostmayer	Sharp
Collins	LaFalce	Sikorski
Conyers	Lancaster	Siskiy
Cooper	Lantos	Skaggs
Coyne	Lehman (CA)	Slattery
Crockett	Lehman (FL)	Slaughter (NY)
Darden	Levin (MI)	Smith (FL)
de la Garza	Levine (CA)	Smith (IA)
DeFazio	Lewis (GA)	Solarz
Dellums	Lloyd	Spratt
Derrick	Lowry (WA)	St Germain
Dicks	Luken, Thomas	Staggers
Dingell	MacKay	Stallings
Dixon	Manton	Stark
Donnelly	Markey	Stokes
Dorgan (ND)	Martinez	Studds
Downey	Matsui	Swift
Durbin	Mavroules	Synar
Dwyer	Mazzoli	Thomas (GA)
Dymally	McCloskey	Torres
Dyson	McCurdy	Torricelli
Early	McHugh	Trafficant
Eckart	McMillen (MD)	Traxler
Edwards (CA)	Mfume	Udall
English	Mica	Valentine
Erdreich	Miller (CA)	Vento
Espy	Mineta	Visclosky
Evans	Moakley	Volkmer
Fascell	Mollohan	Walgren
Fazio	Moody	Watkins
Feighan	Morrison (CT)	Waxman
Flake	Mrazek	Weiss
Flippo	Murphy	Wheat
Florio	Murtha	Whitten
Foglietta	Nagle	Williams
Foley	Natcher	Wise
Ford (MI)	Neal	Wolpe
Frank	Nelson	Wyden
Frost	Nichols	Yates
Garcia	Nowak	Yatron

NOES—183

Applegate	Burton	Davis (MI)
Archer	Byron	DeLay
Armey	Callahan	DeWine
Badham	Chandler	DioGuardi
Baker	Cheney	Dornan (CA)
Ballenger	Clinger	Dreier
Bartlett	Coats	Duncan
Barton	Coble	Edwards (OK)
Bateman	Coleman (MO)	Emerson
Bentley	Combest	Fawell
Bereuter	Conte	Fields
Billakis	Coughlin	Fish
Billey	Courter	Frenzel
Boehert	Craig	Galleghy
Broomfield	Crane	Gallo
Brown (CO)	Dannemeyer	Gekas
Buechner	Daub	Gilman
Bunning	Davis (IL)	Gingrich

Goodling	Marlenee	Shaw
Gradison	Martin (IL)	Shays
Grandy	Martin (NY)	Shumway
Green	McCandless	Shuster
Gregg	McCollum	Skeen
Gunderson	McDade	Skelton
Hall (TX)	McEwen	Slaughter (VA)
Hammerschmidt	McGrath	Smith (NE)
Hansen	McMillan (NC)	Smith (NJ)
Hastert	Meyers	Smith (TX)
Hefley	Michel	Smith, Denny
Henry	Miller (OH)	(OR)
Herger	Miller (WA)	Smith, Robert
Hiler	Molinari	(NH)
Hopkins	Montgomery	Smith, Robert
Horton	Moorhead	(OR)
Houghton	Morella	Snowe
Hunter	Morrison (WA)	Solomon
Hutto	Myers	Spence
Hyde	Nielsen	Stangeland
Inhofe	Oxley	Stenholm
Ireland	Packard	Stratton
Jeffords	Parris	Stump
Johnson (CT)	Pashayan	Sundquist
Kasich	Petri	Sweeney
Kastenmeier	Pursell	Swindall
Kolbe	Quillen	Tallon
Konnyu	Ravenel	Tauke
Kyl	Ray	Tauzin
Lagomarsino	Regula	Taylor
Latta	Rhodes	Thomas (CA)
Leach (IA)	Ridge	Upton
Lent	Rinaldo	Vander Jagt
Lewis (CA)	Ritter	Vucanovich
Lewis (FL)	Roberts	Walker
Lipinski	Rogers	Weber
Livingston	Roth	Weldon
Lott	Roukema	Whittaker
Lowery (CA)	Rowland (CT)	Wilson
Lujan	Salki	Wolf
Lukens, Donald	Saxton	Wortley
Lungren	Schaefer	Wylie
Mack	Schulze	Young (AK)
Madigan	Sensenbrenner	Young (FL)

NOT VOTING—19

Biaggi	Holloway	Porter
Boulter	Huckaby	Roemer
Dickinson	Jones (TN)	Schneider
Dowdy	Kemp	Schuetz
Ford (TN)	Leath (TX)	Towns
Gaydos	Leland	
Gephardt	Lightfoot	

□ 1345

The Clerk announced the following pair:

On this vote:

Mr. Jones of Tennessee for, with Mr. Boulter against.

Mr. SKELTON and Mr. WELDON changed their votes from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1345

GENERAL LEAVE

Mr. BONIOR of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ASSISTANCE AND SUPPORT FOR PEACE, DEMOCRACY, AND RECONCILIATION IN CENTRAL AMERICA

Mr. EDWARDS of Oklahoma. Mr. Speaker, as the designee of the gentleman from Illinois [Mr. MICHEL], and pursuant to House Resolution 390, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 484) to provide assistance and support for peace, democracy, and reconciliation in Central America.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma [Mr. EDWARDS].

The motion was agreed to.

□ 1346

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 484) to provide assistance and support for peace, democracy, and reconciliation in Central America, with Mr. HUGHES in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Oklahoma [Mr. EDWARDS] as the designee of the gentleman from Illinois [Mr. MICHEL] will be recognized for 1 hour, and the gentleman from Michigan [Mr. BONIOR] as the designee of the gentleman from Washington [Mr. FOLEY] will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise today in opposition to the liberal Foley substitute and in strong support of the Michel resolution. I want to propose to this House that the liberal's substitute is, in fact, a cleverly disguised foreign aid bill to Nicaragua. It cannot possibly have a positive effect on the peace process in Nicaragua. I ask the American people to blacken this day on their calendars—this day will be remembered as the day the liberals in the House of Representatives who vote in favor of the Foley substitute to introduce American soldiers, our own boys, into the Central American conflict.

I fail to see any component within the Foley substitute that will help bring peace to Central America. Irreconcilably crippling the Contras under the farce of an "aid package" will only bring the consolidation of an expansionistic Communist government on the American mainland.

Equally important, I am concerned about the increasing Soviet and Cuban military buildup in Nicaragua. Daniel Ortega must be sitting in his office, signing Soviet shipping receipts as he watches C-SPAN, and laughing at the United States Congress for being naively duped into accepting his unusual definition of "peace."

Since 1979, the Soviets have delivered over \$2 billion of military aid to Nicaragua—advanced bloc weaponry including tanks, helicopters, patrol boats, and multiple rocket launchers, just to name a few. An additional \$300-500 million has been spent on military infrastructure development. There are currently approximately 2,000-2,500 Cuban advisors in Nicaragua, primarily concentrated in the Defense and Interior Ministries.

AIR FACILITIES

A wide range of military air services are currently available at the Sandino International Airport. This facility will be soon augmented by the Punta Huete military airbase, currently under construction on Lake Managua. The Punta Huete facility features a 10,000-foot runway, which is capable of handling any aircraft in the Soviet inventory. It is also well suited for intelligence and reconnaissance operations. This airbase, along with bases in Cuba and Angola, will greatly enhance the Soviet's ability to disrupt and jeopardize critical sealanes in the Caribbean and South and Central Atlantic areas. Secondary facilities are being constructed and/or upgraded at five additional sites.

NAVAL FACILITIES

The Soviets have access to two major ports, El Bluff on the Caribbean and Corinto on the Pacific. Currently, regardless of the peace plan, efforts are underway by the Soviets and Cubans to expand these ports and turn them into deep water facilities to enhance their capability for the Soviet navy. I, for one, don't see the need for the Sandinistas to have deep water ports for their "navy"—it is obvious for whom these ports are designed. Three secondary facilities exist as well.

Soviet and Cuban military aid to the Sandinistas since the signing of the peace plan stands at \$170 million—what do you think that says about the Sandinista's commitment to peace on the American mainland?

"Wait for peace," you say. Why? We've been waiting for peace for 9 years. And although we've been waiting—Ortega has not. He has not waited to build up the Soviet and Cuban military presence; he has not waited to ship over 2 billion dollars' worth of Communist military equipment to Nicaragua; and, he has not waited in his persecution of basic human rights.

We all know that the Sandinistas have, overall, failed to fulfill their

signed human rights commitments. In an amendment which passed the House on December 8, 1987 by a vote of 346 to 58, we identified over 30 areas of essential steps necessary for genuine compliance. Of those steps, only six have been partially addressed. The major reforms, that we clearly defined, have not been implemented—and I would like to give a few examples of these violations.

Private Nicaraguan human rights defenders continue to be beaten by the turbas—divine mobs—denied food rations, and threatened by state security. Within 1 week of the signing of the peace plan, the Sandinistas arrested and imprisoned the heads of the two principal human rights groups. Concurrently, the Sandinistas directed increased turba harassment against the Mothers Movement for Political Prisoners. For example, on October 26, 1987, approximately 2,000 turbas, some trucked over by the Sandinistas, surrounded the headquarters of a principal human rights group [CPHD], illegally entered the premises by force, and proceeded to harass and threaten the members. Again in October, turbas violently attacked members of the Mothers Movement for Political Prisoners.

Opposition political parties have not been allowed to operate freely and effectively. Outdoor meetings and rallies have been severely restricted and leaders have been jailed. The military draft threat is frequently used against opposition leaders and their families. For example, after a rally in September celebrating the anniversary of the Social Christian Party, young men who participated in the rally were forcefully inducted into the military the next morning.

Labor unions still cannot strike, bargain collectively, or take collective action. A La Prensa journalist was attacked and beaten by the turbas—after the signing of the peace plan—and warned that "the revolution will not tolerate your actions."

And what about the political prisoners who were to be freed after the signing of the peace plan—they are still locked away. Even the Red Cross and other independent international observers are still barred from visiting prisoners. A general, encompassing amnesty, also promised, has not been granted.

In no way whatsoever have the Sandinistas sincerely lived up to their signed commitment to peace and democracy in Central America. Let's not forget exactly what the Sandinistas are—they are admitted Communists. And, they continue to seek their Communist consolidation under the guise of a peace plan. The Foley substitute is merely a prescription for disaster—vote against communism and in favor of our national security by voting

down the Foley substitute and supporting the Michel resolution.

Mr. BONIOR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today marks a new beginning in United States policy toward Central America.

The United States has entered into a new partnership with Central America, a partnership based on peace and reconciliation, instead of war and retribution.

The determined and courageous efforts of the five Central American Presidents have given us an opportunity rare in a lifetime, an opportunity to end war and create a firm and lasting peace.

Just 1 month ago, the House rejected the President's request for military and nonlethal aid. This was a critical first step toward peace and reconciliation in Central America.

Today we must take the next essential step to support the peace process by adopting the proposed package of assistance now before us.

Today's vote signals that congressional support for the military solution has ended. Serious negotiations must begin.

Today's vote provides space, and opening, for both sides to pursue cease-fire talks. Achieving a cease-fire between the Nicaraguan Government and the Contras must now become our highest priority.

The alternative we propose grants incentives to both sides to negotiate.

To the Contras we say, Congress will no longer support further bloodshed. The path to peace and democracy in Nicaragua is through the ballot, not the bullet.

To the Nicaraguan Government we say, the promise of peace lies in completion of the democratic commitments made under the Guatemala accords.

Clearly, this strategy is not without risk. Either side can stall or throw up roadblocks to progress.

But if true peace and reconciliation is to occur, trust must be given and good faith granted by both sides.

We must follow the lead of President Arias, the author of the peace plan, who has called on all of us to take a risk for peace.

He says this proposal is consistent with the spirit of the Guatemala accords.

More than half of the \$30 million in economic assistance we propose is truly humanitarian in nature; \$14.5 million will be used for prosthetics and medicines to treat child victims of the war.

We have all been moved by pictures of children maimed for life by a land mine they thought was a toy. Surely no task could be more important than binding the wounds of war and easing

the suffering of these innocent victims.

The sum of \$1.4 million will be distributed to the Miskito Indian group, Yatama, which has reached a separate truce agreement with the Nicaraguan Government.

The aid will be delivered through nonpolitical private voluntary organizations such as the International Red Cross so long as there is a cessation of Hostilities and progress toward a negotiated cease-fire.

Our support for the Yatama agreement sets a crucial precedent, the United States will support those who are willing to cast their lots for peace.

Finally, under our proposal, food, medicine, clothing, and shelter will be provided to the Contras at the current rate of delivery during the time they are trying to negotiate a cease-fire.

The alternative we propose moves us step by step away from war. The Republican resolution, on the other hand, leads in the opposite direction.

It includes \$22 million in nonlethal assistance. This means spare parts and other military-related aid. Delivery would be continued through the CIA.

In just 45 days, the President could initiate another vote in Congress. Speaking to the American Legion just 3 days ago, he told us he will ask for more military aid.

The choice before us is clear—either we adopt our alternative or military aid will resume. The resumption of military aid will kill the peace process; the war will escalate.

Our alternative affords us the opportunity to take the United States step by step toward peace.

Today we enter a new phase in Central America. It is a beginning, not an ending, of our commitment to the region.

The time has now come for the United States to sit down in direct face-to-face talks with the Nicaraguan Government.

The time has now come for all the nations of Central America to comply fully with the Guatemala accords.

Never before have the prospects for peace been so promising; never before have our actions counted for so much.

Our commitment to bind the wounds of war, and to address the social and economic inequalities in the region, must now increase.

Our commitment to self-determination and democracy for the people of Central America must be sustained.

And our respect and acceptance of the nations of Central America as equals must remain steadfast.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. BONIOR] has consumed 6 minutes.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the

gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, my friend the gentleman from Michigan [Mr. BONIOR] is right. We are entering a new era in Central America. It is an era in which there are new leaders, and as of today the most influential leader in Central America is this gentleman, Andrei Gromyko, former foreign minister of the U.S.S.R., and his colleagues on the Soviet Politburo, because as we are withdrawing American forces from the Panama Canal, and we have to do that in 12 years, the Soviets are installing bases in Nicaragua. They are taking over a monopoly, a military monopoly on the land bridge between North and South America. There are going to be bases at Corinto on the Pacific side, El Bluff on the Atlantic side, they are naval bases, and at Punta Huete, a bomber base located north of Managua.

In this picture of Punta Huete, it becomes clear that what the Democrats are doing in Nicaragua is giving Mig's a chance. We are not giving peace a chance, we are giving Mig's a chance.

Mr. Chairman, the Soviets are building jet revetments at Punta Huete and they have now completed the first set of revetments for the first squadron of Mig aircraft that has been agreed to be sent by the Soviet Union to the Sandinistas. We are entering a disastrous situation in which the Democratic majority has given the Panama Canal to Mr. Noriega as his personal property, thereby depriving us of an American presence in the canal area and we are giving Nicaragua to the Soviet Union, thereby displacing the United States as an important foreign influence in Central America.

Mr. Chairman, let me say that I agree with my colleague the gentleman from Michigan [Mr. BONIOR] on this, it would be good if Central Americans at some point have the right to have plurality, democracy, peace, et cetera, but I would remind him that this guy Mr. Gromyko and his colleagues have killed about 500,000 children now in Afghanistan and persons who come under their sphere of influence rarely get to see things like ballot boxes.

For the time being, it is important for us to maintain a sphere of influence in Central America and the Democrat majority is displacing our influence by giving away the canal and the American presence with the Soviet influence at Corinto, El Bluff, and Punta Huete.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Arizona.

Mr. KYL. Will the gentleman point out the jet revetments and tell us how many there are and the significance of them?

Mr. HUNTER. As my colleagues can see, there are 12 at Punta Huete, and they have been constructed and that will provide jet revetments for one squadron of Mig aircraft.

□ 1400

Mr. BONIOR of Michigan. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. OBEY], and I ask unanimous consent that he be allowed to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES] the distinguished chairman of the Intelligence Committee.

Mr. STOKES. Mr. Chairman, I thank the distinguished gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Bonior substitute. I want to take this opportunity to commend the gentleman from Michigan [Mr. BONIOR] for this leadership in crafting this substantial substitute which I think is a substantial move toward peace in Central America.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I am delighted to yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I would like to ask the gentleman a question.

It has been suggested to me that some of the communications equipment which will be provided pursuant to section 4(c)(2) of the Bonior substitute could be modified for use in weapons systems and, specifically, for use in surface-to-air missiles. Is that accurate?

Mr. STOKES. It is not accurate. Batteries and spare parts associated with the communications equipment that will be provided pursuant to section 4(c)(2), as well as the communications equipment itself, such as replacement radios, are incompatible with the operation of any weapons system in the possession of the Contra forces. In particular, batteries associated with the communication equipment could not be used to operate surface-to-air missiles.

The Intelligence Committee will monitor the provision of communications equipment to ensure that it is not the kind that can be used to operate any weapons.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I am delighted to yield to the distinguished gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the distinguished gentleman for yielding and I compli-

ment him on his very important leadership on this issue and on the Intelligence Committee.

I would like to enter into a colloquy for purposes of clarification.

Mr. STOKES. I am delighted to yield to the gentleman from Washington for that purpose.

Mr. LOWRY of Washington. Mr. Chairman, it has been suggested that adoption of the Bonior substitute will result in an increase in the number of United States military personnel deployed to Central America and an accompanying increase in the threat to those military personnel because they will be engaged in supplying an army in a war zone. Are these two predictions the necessary and unavoidable result of the adoption of the Bonior substitute?

Mr. STOKES. The answer to that is an unqualified "no." First of all, the substitute prohibits United States military personnel from entering the territory of Nicaragua. It also prohibits any United States Government personnel, including all military personnel, from approaching within 20 miles of Nicaragua. This is the Mrazek amendment.

There will be "no" United States military personnel and "no" United States military aircraft involved in delivering assistance to the Contras in Nicaragua. And finally, although the Hamilton substitute requires that the Department of Defense manage Contra supply during the period provided for by the substitute, it requires the Department to contract with those firms and their foreign national pilots who were providing the delivery services up to this point. It also provides that the Department may request the assignment to DOD of personnel from any other Government agency to assist in this process. That is both to ensure an orderly transfer of responsibility, to ensure that the DOD-managed system will be credible, and to permit the Department to assign a minimal number of its personnel—whether civilian or military—to manage the program.

There is absolutely no need, nor would it be wise, to assign large numbers of military personnel for this purpose. Up to now, this delivery system has been managed by a small number of people. It should continue to be managed by a small number of people.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, the saddest words known to men are the words it might have been.

This is a situation that really did not have to be.

Members who are interested in providing humanitarian aid and assistance to those Contras within Nicaragua find ourselves basically wanting to

do the same thing, but because of the difficulty of political considerations, because of mistrust, we are unable to send the message as it would have been so good to do, of 300-plus votes speaking as one, together with the administration for humanitarian aid. That is not to be.

Because of that I am irresistibly driven to be against the substitute and in favor of the initial bill as provided, not just because of a recent happening where Cardinal Obando in Nicaragua has been dismissed as the mediator by the President of Nicaragua, Mr. Ortega, but we must look at the substitute itself. One of the major considerations that this body should have is the portion that is set forth in section 10. This provides for over \$14 million of unobligated funds coming from other accounts. And it says that:

At least one-half of the funds transferred under this section shall be provided through nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua.

Let us look at the exact language. On page 12 we see:

Provided further, That at least one-half of the funds transferred under this section shall be provided through nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua.

Mr. Chairman, there are no organizations operating inside Nicaragua that are not under the control or direction or both of the Sandinista Marxist Government. Furthermore, in a more literal reading of this, there are no nonpolitical private and voluntary organizations as such within that country because of the nature of that country being what it is.

It also refers to certain organizations, one of course being the International Committee of the Red Cross, which we know from various sources is under the direct control of the Sandinista Marxist regime. Thus, we find half of the obligated money going to be controlled or under the direction, according to this language in the substitute, of the Sandinistas.

I cannot agree with that. I will not vote for that.

It has been said that we should take a risk for peace. Those of us who have had the opportunity to read a bit of history know that the same thing was done by Britain's Prime Minister Chamberlain in 1938 taking a risk for peace, and as a result of not taking a firm stand at that time this world was engulfed in the bloodiest of all conflicts: World War II.

We hope that this substitute will be defeated, that a stronger more straightforward version will pass.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON], the former chairman of the Intelligence Committee.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this amendment in the nature of a substitute to provide sustenance assistance for the Contras and to support the Central American peace plan.

Central America is at an important turning point. A moment has come in that region's history to move away from war toward peace. This amendment seeks to push and prod Nicaragua in the right direction. No matter how we may have voted in the past, we have an opportunity today to construct a united position on Nicaraguan policy for the first time in over 8 years. We must not lose this chance to create a consensus in the House and to support Central American peace efforts.

I. SUMMARY OF THE AMENDMENT

This amendment is for a period of 4 months. It is balanced, responds to a fluid situation on the ground, and keeps open our options for the future.

It has five principal elements:

It provides \$14.6 million in food, clothing, shelter, and medicine for the Contras, sustaining current levels of such assistance;

It provides another \$14.6 million for the treatment of children who are victims of the war;

It provides an additional \$1.4 million in humanitarian aid for the Miskito Indians in Nicaragua;

It provides for delivery of sustenance aid to the Contras through the Department of Defense before a cease-fire, and through international relief organizations following a cease-fire; and

It provides for onsite inspection of shipments of sustenance aid to the Contras by the Intelligence Committees and the General Accounting Office.

This sustenance assistance would be provided on the understanding and with the expectation that the Contras will not take offensive military actions, and will negotiate in good faith on a cease-fire.

This substitute amendment is also important for what it does not include;

It contains no lethal aid and prohibits the delivery of any lethal assistance; and

It contains no nonlethal military assistance, such as trucks, helicopters, or other military equipment as contained in the President's recent request.

This amendment addresses U.S. security interests in Central America.

It underscores the goals outlined by President Reagan and Speaker WRIGHT in their statement last August:

No Soviet or Cuban bases;
No subversion;
No export of revolution; and
Progress toward democracy.

It calls for the United States to act to preserve the security of the United States and its allies; to protect the security and territorial integrity of Central American nations; and to take appropriate military action if Nicaragua takes offensive military action against its neighbors or obtains a military capacity that directly threatens the United States.

This amendment also calls for the United States to conduct negotiations to protect and promote those security interests:

Bilateral negotiations with the Government of Nicaragua on matters affecting the national security interests of the United States; and

Multilateral negotiations with the Central American nations on matters of regional concern.

Finally, this amendment invites the President to propose long-term assistance for Central America in order to:

Promote economic stability;
Expand educational opportunity;
Foster progress in human rights;
Strengthen judicial institutions; and
Bolster democracy.

II. REASONS TO SUPPORT THIS AMENDMENT

Mr. Chairman, there are several reasons to support this substitute amendment:

A. U.S. OBJECTIVES AND INTERESTS

First, this amendment promotes United States objectives in Central America, to stop the wars in the region and to encourage the growth of democracy in Nicaragua and other states in the region. It bolsters our view that democracy is the precondition for peace in Central America.

This amendment serves American interests. Because it lacks deadlines and is ambiguous about what happens at the end of the 4-month period, the amendment preserves American options and flexibility.

Because it imposes no deadlines for diplomacy, it reduces the incentive of either party to stall.

Because it does not specify what happens next, it creates uncertainty about future U.S. actions. This uncertainty pressures the Sandinistas to carry out their promises, and the Contras to negotiate in good faith.

Above all, this amendment says that the United States should turn away from a military approach toward Nicaragua, and toward a political, diplomatic, and economic approach. If that approach is skillfully and diligently pursued, it will help the Contras and U.S. interests as well.

This amendment provides the United States with the opportunity:

To decide how much Central America really matters to the United States; and

To decide what we really want to accomplish in the region, what we want to defend, and what resources we are prepared to commit to achieve our goals.

B. REINFORCES TRENDS IN CENTRAL AMERICA

Second, this amendment reinforces a trend in Central America away from war and toward peace. It will help force the contest into the political arena, the only place where there is hope for a resolution. It supports the peace efforts of the five Central American Presidents.

This amendment is sensitive to the fluid and evolving situation in Central America.

Given the deep political conflicts in the region, the 7-year-old war in Nicaragua, and the repression of human rights, progress toward peace will be slow. Expectations should be realistic. Achieving a cease-fire will take time. Ending the war in Nicaragua will not come suddenly. Achieving democracy will take years.

What is important today are the trends in the region. They are moving in the right direction. This amendment reinforces those trends, and supports an intricate process aimed at establishing peace and providing a chance for democracy.

This amendment is a balanced, mixed package of incentives for a transition period from war toward negotiations, cease-fire, reconciliation, and holding the Sandinistas to their promises.

These incentives will help the peace process work. They pressure both the Sandinistas and the Contras to reach agreement. If either party fails to negotiate in good faith, then it will be clear who is at fault, and that party will be isolated. Congress will, then, revisit the issue.

For the Contras, this amendment provides sustenance aid to keep them together during this critical transition period, as they negotiate a cease-fire and a means to return to political life inside Nicaragua. It says the United States is not going to provide them with the means to make war, but neither is the United States going to turn away from them. It gives them a chance to bargain for a passage from civil war to pluralism. By denying them lethal aid it encourages them to negotiate. It lets them know that while the United States is not committed to putting them into power by force, it will help them get a fair chance to compete for power through peaceful means.

For the Sandinistas, this amendment provides a U.S. commitment, during a transition period, to not provide lethal aid to the Contras so long as good faith negotiations continue. But it also reminds the Sandinistas that if they do not make further concessions in the days ahead lethal aid to the Contras could be restored. The ball is in their court.

It will give the Sandinistas a chance to begin to straighten out the mess they have made of the economy, and to achieve peace. It will give them a

chance to choose between a military or a political fight. It will give them the opportunity to understand that the United States wants democracy in Nicaragua. It pushes the Sandinistas toward democracy, to make good on their pledges under the peace plan.

III. CONCLUSIONS

Mr. Chairman, this amendment will: Aid children who are victims of the war in Nicaragua;

Promote U.S. objectives in Central America to stop war and encourage democracy; and

Through a balanced package of incentives, reinforce the trends in Central America away from war and toward peace.

I urge my colleagues to vote for this amendment.

□ 1415

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, in spite of my good friend, the distinguished chairman of the Subcommittee for European and Middle Eastern Affairs of my Foreign Affairs Committee, who talks of peace and getting money to children, but carefully ignores two items in the newspaper this morning. Two more high-ranking Nicaraguans defect, this time in Geneva and they had a press conference this morning. Ivan Villavicencio said he had been an appeals prosecutor in the district of Managua since 1983, for the last 5 years. Norman Jose Miranda said he was a Foreign Ministry official for 8 years and an alternative representative of the Sandinistas at the U.N. Human Rights Commission in 1985, 1986, and 1987. The two men have resigned because of torture and capital punishment and lying and rigging the judiciary and holding thousands of political prisoners. They maintain that there still are 8,600 political prisoners in Nicaragua at this very moment.

Now this morning we also had one of the two Ortega brothers who have modeled themselves after the Castro brothers, the younger brother, Humberto controls all the guns as the Defense Minister has replaced the Catholic cardinal, Obando y Bravo as mediator for the cease-fire talks. This cardinal, a compesino, a peasant priest who served nine parishes on a mule, arose to become a prince of his church has been replaced by Humberto, the younger brother of the Communist dictator. This Communist, Humberto Ortega shakes hands with his left hand because he has a wounded right hand, like one of our great Presidential candidates, the Republican leader in the Senate.

But unlike BOB DOLE who received his wound fighting fascism, how did

he have his right hand crippled? By holding up a bank in San Jose, Costa Rica, where he came that close to killing two people. What he did was to give them spine shots. Both men, coincidentally, are paralyzed from the waist down because of shots fired by him and his bank-robbing cohorts, robbing a bank in San Jose to fund terrorism in the early days of the Communists who were infiltrating a just revolution against the oligarchy of Somoza. Recently, we found out Humberto Ortega's secret bank account, the Geneva secret bank account, the Paris Bank of Geneva, the Paris Bank. Here is his account number. I want my colleagues on both sides of the aisle to memorize it, 58946. I ask all American citizens who follow the written RECORD of our proceedings here or follow it by national technical means, memorize that bank account. There is the amount. This was given to us by the man who was his accountant, the man who administered this secret bank account, \$1,495,596. That is what he has in the secret account. I ask my good friend, Mr. HAMILTON, don't you think possibly that some of this money for wounded children on both sides, will get squirreled away into Humberto Ortega's account or Tomas Borge's secret bank account or Jaime Wheelock's account?

These corrupt officials were middle-class kids who are engaging in the slaughter of Nicaraguan peasants in the field.

Mr. Chairman, I submit the newspaper article for the RECORD along with the remarks of CLAUDE PEPPER on February 3.

The documents referred to are as follows:

[From the Washington Post, Mar. 3, 1988]

NICARAGUA PROPOSES DIRECT TALKS WITH CONTRAS

(By Julia Preston)

MANAGUA, NICARAGUA, March 2.—In a surprise move, President Daniel Ortega tonight proposed direct, top-level cease-fire negotiations with the U.S.-backed rebels, without any mediator present and to be held inside Nicaraguan territory.

Ortega informed Cardinal Miguel Obando y Bravo that his role as mediator had ended and he named Defense Minister Gen. Humberto Ortega, his brother, to head the government delegation for a new round of cease-fire talks that the president suggested should take place March 9-11 in Sapoa, three miles north of the border with Costa Rica in southwestern Nicaragua.

In Miami, a spokesman for the rebels, Bosco Matamoros, said they were "shocked" by the Sandinista proposal and would have no immediate response. But Matamoros said, "The Sandinistas were very uncomfortable with the presence of the cardinal. Their purpose is to withdraw from the negotiations the only witness who is credible to the whole Nicaraguan nation."

Ortega's initiative, coming on the eve of an expected vote in the U.S. Congress on nonlethal aid for the rebels, known as contras, marked the first time that the leftist Sandinista government had agreed to meet

face to face with the contras' highest leaders on Nicaraguan soil.

Previously the Sandinistas had refused to hold the talks in Nicaragua, demanding that the rebels accept a government amnesty before being able to enter the country.

The proposal also conferred new legitimacy on the contras as a counterpart in negotiations.

"We are doing our maximum," Ortega said.

The president's announcement came after a 10-day exchange of sharply worded letters between Ortega and the cardinal in which the government rejected a ceasefire proposal by Obando that could have introduced political topics into the talks.

Ortega made his announcement on the steps of the offices of the archdiocese of Managua after a brief meeting with Obando.

The government has insisted that the negotiations, begun under the terms of a regional peace accord, be limited to technical discussions to arrange a cease-fire as a way for the contras to lay down their arms and return to political life. Ortega indicated tonight the government will stick to that agenda.

The government expects the contras to respond by sending at least one of the five top directors of the Nicaraguan Resistance, the contra alliance, to the new round of talks, Ortega said.

The contras have called for broad political reforms in Nicaragua before they renounce the fighting or agree to a cease-fire.

Ortega thanked Obando for his "indispensable contribution" in bringing together the two warring sides in the first phase of the cease-fire negotiations, which began last Nov. 5. He asked the Cardinal, in his last act as mediator, to communicate the government's new offer to the contras.

"His mediation was necessary when the conditions did not yet exist for direct discussions," Ortega said. The Nicaraguan Resistance had strongly supported the cardinal as mediator.

In a letter he released this morning, Obando criticized the government's performance during a failed round of talks Feb. 18 and 19 in Guatemala City. But he reiterated his willingness to continue to mediate.

The government delegation will include Sandinista Army Chief of Staff Gen. Joaquin Cuadra, Ortega said. Deputy Foreign Minister Victor Hugo Tinoco will continue to be a member.

Referring to bills under consideration in the U.S. Congress, Ortega said both the Republican and Democratic version show a "complete lack of respect for international laws."

Moments after Ortega left his offices Obando accepted the president's decision with resignation and said, "As soon as one side says we no longer need the services of the mediator, he can no longer mediate."

But Obando curtly declined an invitation by Ortega to inaugurate the Sapoa sessions. Although he picked his words carefully, Obando made clear his doubts that the new talks will produce results.

"To be honest, I never thought these talks would succeed right away. I thought it would be very difficult at this time to settle only for a halt to military hostilities."

[From the CONGRESSIONAL RECORD, Feb. 3, 1988]

Mr. PEPPER. Mr. Chairman, let me say to my colleagues in the House that I join my colleague, the gentleman from Pennsylvania,

in paying our highest tribute to our revered and distinguished Speaker, for whom we all have such great affection for the courage and wisdom he has shown throughout in trying to find a peaceful solution to this tragic situation in Nicaragua.

Mr. Chairman, today I am reminded of the sound inaugural address of Abraham Lincoln when, in speaking of the War Between the States, he said, "Each side, thinking it supported a just cause, prayed to the same God for victory."

Today I do not see Democrats and Republicans debating an issue; I see Americans trying to determine what is the best way to achieve peace and democracy in Nicaragua, Central America, and in the Western Hemisphere. It is no different than the issues that we constantly debate on this floor. This is not a Republican proposal; it is not a Democratic proposal; it is an American question. How can we best do it?

May I say that some of us, of course, feel a little more sensitive to this subject than others due to our location. We who live particularly in south Florida live as neighbors to at least 75,000 Nicaraguans who have been forced to flee from their country to find sanctuary and to find the freedom of America, and this House last year passed a resolution permitting them to stay in America until conditions in that country permitted their safe return. So we are concerned because we are more proximate in miles to Nicaragua and we have more association with the people.

Furthermore, we have a large part of our population who have known what persecution means in the Cuba from which they fled with our help. They had to leave their homes, their furniture, and their businesses. Most of them escaped with their lives but they lost everything else. So we are close to the problem, and we are very much concerned about how we can solve that problem.

What are the objectives? Is there any difference in our opinions on that subject? We all want peace, and we all want democracy. All we are talking about is this: What is the best way to get it?

I submit to my friends of the opposition that I believe there is a policy in that position. They are going on the assumption that if we kill the Contra aid, we will let the world know tonight when we leave this Chamber that there is at least not going to be any military aid and maybe no more humanitarian aid to the Contras, and that somehow or other will advance the peace process with which we are all concerned.

I agree with the position of the New York Times stated on January 31. It says that Congress seems "eager to support the peace plan of President Arias of Costa Rica," and that Congress "seems ready to pull the plug on the Contras."

"That risks creating a perverse result."

As President Arias says, "The future of aid to the Contras is in the hands of the Sandinista government of Nicaragua. That being so, the threat to continue aid, at this precise moment, could put constructive pressure on the Sandinista government to keep up its grudging toward peace. Congressmen who truly support the Arias plan will see that and avoid a final decision to end aid now."

In this morning's Washington Post, I think the matter was properly stated, and this is a very brief summary of their view:

"The record of the last 6 months demonstrates, we believe, that a carrot-and-stick combination has moved the Sandinistas.

With cease-fire talks scheduled to resume next week, this is no time to demobilize the forces of one side alone. We think the same combination can move the Sandinistas further without capsizing the peace plan, and on the basis we support the President's request."

Why do we have to hurt the peace plan if we adopt this resolution? The President in his letter of February 3 to ROBERT MICHEL has said that he first defers the release of the \$3,600,000 worth of military aid until the end of March to see how the peace program is progressing. Then he says:

If even at that time in my opinion it is not progressing satisfactorily, I will consult with the leaders of the Congress, and then if in Congress within 10 days there is the passage of a concurrent resolution stating that the peace program is proceeding satisfactorily and I should not release the military aid, I will not do so.

□ 2215

What endangers the peace plan with a proposal like that?

On the other hand, what is going to be the effect of our decision tonight if it is against this resolution upon the Contras?

Is it not really the intention of this opposition, my beloved friends and colleagues, to let the world know we are not going to give ever any more military aid to the Contras? Is that not really what we are seeing?

Now, what is going to be the effect of that? Suppose the Contras are not able to continue their pressure. Suppose the peace plan fails with a weak Contra opposition facing the Sandinista government. Who is going to save the peace, those for weak small Central American countries? Can they do it? Do you think they would undertake it? Would they be a match for the Soviet Union helping the Sandinistas to have a 600,000-man army? Would they be able to stand against the power of Castro? Would they survive another Contra organization? What strength would there be behind the peace movement then? Would they go back and try to pick up the pieces and reconstruct the Contras, put them in the field again, let them make another contribution to another era?

I say to you, my fellow Congressmen, my dear colleagues, it is a mistake for us to defeat this resolution. It does not endanger the peace process. It strengthens it.

The Washington Post is right. It is a stick and a carrot. The peace plan has not done all this by itself. It had the aid of the Contras who have been winning battles lately.

Why do we want to dispense with the stick if we are willing to be careful about its use and use it only when it is consistent with the progress of the peace plan?

So, my colleagues, I beg of you, I hope and pray that the decision we make tonight will be a wise one. I hope that we will be governed, not by petty considerations or selfish interests, but by what is good for America, who is good for our beloved hemisphere and what is good for this blessed part of the globe.

I ask you, let us continue the course that has brought us to the satisfactory conclusion that we enjoy today and let us hope and pray that that decision in its wisdom will be such that down the long lane of future years will contribute to achieving those goals for which we all hope and work and pray, peace and democracy for all the nations and all the people of our beloved hemisphere.

Mr. OBEY. Mr. Chairman I yield 1 minute to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. I thank the distinguished chairman. Mr. Chairman, I would like to go on record as strongly associating myself with the very wise remarks of my distinguished Hoosier colleague, the gentleman from Indiana [Mr. HAMILTON].

Mr. Chairman, in the past I have strongly opposed Contra aid. This proposal however marks a sharp departure from other Contra-aid requests. This proposal will provide food, clothing, medical supplies, and communication gear—not weapons and ammunition—to the Contras and to Miskito Indian groups. In addition, this compromise provides over \$14.6 million for children on both sides of the conflict who are innocent victims of this long civil war. But most importantly, this legislation, by not providing lethal materials, unlike previous Contra-aid proposals, will not directly contribute to continued or escalated violence in Nicaragua. I support this humanitarian Contra-aid request.

This request also incorporates safeguard measures, including GAO inspection and oversight by congressional intelligence committees, to ensure that Congress and the American people know that only food, medicine, clothing, and other nonlethal supplies are being sent to the Contras. This aid is not hidden in the shadows of covert operations. Because this is an aid program that is open and honest and is of a humanitarian nature, this proposal has been endorsed by many religious and civic groups which have previously opposed other funding for the Contras. The governments of the Central American nations, who have been working together to establish a lasting regional peace, have indicated that this aid request is not inconsistent with the framework of the Arias peace plan.

This proposal is humane, is open to public monitoring, and does promote regional peace in Central America. If this proposal fails, the likely alternatives are worse. I urge my colleagues to join in support of this aid request.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in opposition to this bill—it is sugar-coated surrender and nothing more.

This bill is a weak effort by those who voted against the President's proposal for aid to the Contras 4 weeks ago to buy back their self-respect. Either they had pangs of conscience or too many telephone calls and now they want to go through the pretenses of doing something for the Contras.

But this bill does little for the Contras. Providing \$1.8 million a month to the Contras for uniforms, medicine,

and shelter means that we can patch 'em up, rest 'em up, and dress 'em up. But when they run out of ammunition—some time next month—they still will only have two options, to march to death or to exile.

One other thing that seriously bothers me about this bill is the role the Defense Department gets to play in the delivery of the little aid it does provide. I just do not understand it.

One of our central goals throughout our involvement in Nicaragua was to keep the United States military out of it. And we have managed to do that very well. It does not make sense, at this point in time, while there are still people in Nicaragua who are willing to fight for their own freedom, to directly involve United States military personnel.

It is dangerous. It is illogical.

Mr. Chairman, this bill is a sellout. It is an outrageous attempt by some Members of this body to wash their hands of any responsibility for what might happen to the freedom fighters in Nicaragua now that they have been denied further military supplies. We are hanging them out to dry—and die.

I urge my colleagues to vote against this travesty.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CROCKETT].

Mr. CROCKETT. Mr. Chairman, I rise in support of the Democratic substitute.

As my colleagues know, I do not favor any aid to the Contras. I do not think Contra aid has served U.S. interests or the interests of peace in Central America, and I believe Contra aid violates international law.

If I had the option of a vote to cut off all Contra aid, I would do so. But the votes are not here and the option of cutting off all aid is not now open to us. Some kind of aid is going to be passed in the House today.

The vote today is between a Republican aid proposal that would destroy hope for a cease-fire, and a Democratic proposal that would put pressure on both the Sandinistas and the Contras to conclude a cease-fire.

There are three principal differences between the two proposals. First, the Democratic proposal would permit only humanitarian aid—food, clothing, medicine, and shelter. The Republican proposal would permit any nonlethal aid, including jeeps, helicopters, communications equipment, and spare parts.

Second, the Republican proposal keeps the CIA in the business of delivering the aid; the Democratic proposal cuts out the CIA.

But the most significant difference is that, under the Republican proposal, the President could get another

vote in 2 months and get that vote under expedited procedures. This is a clear incentive for the Contras to hold out for military aid in 2 months, instead of seeking in good faith to negotiate a cease-fire. Such short term, artificial deadlines encourage those who do not want peace to be intransigent. The Democratic proposal contains no such deadlines. It continues humanitarian aid for 4 months, with no guarantee of further congressional action.

It is primarily for these reasons, I suspect, that President Arias of Costa Rica has pronounced the Democratic proposal to be compatible with the Guatemala peace process. He has made no such comment about the Republican proposal. In the end, the endorsement of President Arias is what really persuades me that the Democratic alternative constitutes the only responsible course of action in this situation.

I would urge my colleagues who feel as I do to recognize that a vote for no aid is not an option. One or the other of these alternatives is going to pass. The Democratic alternative furthers the interests of peace. I congratulate my colleague from Michigan [Mr. BONIOR] for his leadership in putting this package together, and I ask my colleagues to support it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Chairman, I rise in strong support of the Michel resolution. It is not as strong as I would like it to be. I would prefer that we at least allow the delivery of military aid which this House previously approved. But in the spirit of compromise, mixed deliveries as well as new military aid was left out of this bipartisan resolution.

But other key provisions of the Michel resolution are vitally important to keeping the democratic resistance viable as a pressure on the Sandinistas to negotiate. These provisions maintain the current network for supplying the fighters and provide an expedited process for considering a future aid request if the President finds it to be necessary.

The Foley proposal seeks to take the President out of the equation altogether, in an apparent effort to make the House Intelligence Committee and the majority leader the architects of U.S. foreign policy. This is contrary to the Constitution, to tradition, and to the spirit of bipartisanship. In fact, this entire exercise, from the delayed vote last week to the rule this week, shatters any illusion that the Democratic leadership is sincerely interested in bipartisanship.

The democratic Nicaraguan resistance is made up of Nicaraguans of all backgrounds and beliefs. They are fighting for freedom in their country

against the incredible odds of a Sandinista military backed by billions of dollars worth of Soviet hardware and assistance. I cannot believe that anyone in this Chamber who has been to a Contra hospital tent and has seen the sacrifices made by these young men and women could vote to abandon them. And if you vote for the Foley resolution, that is exactly what you are doing. I urge you to defeat the Foley resolution and approve the Michel resolution, thereby honoring at least a part of our commitment to the freedom fighters in Central America.

□ 1430

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I thank the gentleman very much for yielding time to me.

Mr. Chairman, I rise in opposition to the Michel resolution and in strong support of the Foley-Bonior substitute that will be offered here a little bit later. Like a great many Members of the House, I have not supported Contra aid. I do not support Contra aid now. I am a great believer in the Arias peace process that is under way, and I hope we will do what we can to foster that process.

A great many people try to make the argument that the Sandinistas need more pressure on them and only the Contras will accomplish that. Having been to Nicaragua, as many other Members have, I can say that there is so much pressure on the Sandinistas now that they can hardly stand it. Their country is in a shambles, their economy is in bad shape, they have no basis for exports, the Russians are backing off, they need technicians, and their infrastructure has been destroyed. There is enough pressure on the Sandinistas to cause them to be thinking about a better solution for probably another generation, and it is not realistic to think the Contras are going to open up their country, and that they will go to an acceptable degree of democratization while there is a shooting war going on against them. That is not realistic. We need to get the shooting stopped.

I hope that this Foley resolution that we are going to be voting on today will help to bring that about. I do not know whether it will or not. I am going to support it, but whether we have Contra aid or we do not have Contra aid, it is very evident to me that we are going to be working with the Sandinistas for a long time to bring them around to the point where they are going to be acceptable as citizens and as a nation of the world.

The thing that really bothers me about this whole thing—and it has been talked about here today—is the question of the Soviet military establishment in Nicaragua. I do not know

whether the stories about the Mig base and the submarine bases, and so on, are valid or not, but if they are, my point is all the more important. This Nation needs to be doing something about that subject.

A week ago I wrote a letter to the President that was signed by 66 other Members of the House, some Republicans and some Democrats, Members on both sides of this issue. The letter asked the President to start giving some attention to whether or not he can find a way of making it clear to the Soviet Union that they should start withdrawing their military equipment from the country of Nicaragua, that they ought to recognize this is in our hemisphere, we do not need them here, we want them out, and the sooner they can get out, the better.

We are negotiating with the Soviet Union on many items. We are talking about Afghanistan, we are talking about the INF Treaty, and we are talking about the START Treaty that is coming up. We have all kinds of issues here. This is the time to get this issue on the table.

Mr. WALKER. Mr. Chairman, will the gentleman yield on that point?

Mr. OLIN. I will yield in a moment when I have finished.

Mr. Chairman, to stand here and talk about the threat to Nicaragua, gloating about the fact that the Soviets are bringing about all this military hardware and doing nothing about it, is incomprehensible to me.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. OLIN] has expired.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, this bill is misguided. This is the cover-your-posterior bill of the appeasement group here in Congress.

Since they didn't do what was necessary to stop communism in Central America, the appeasement group is now using this bill to make it look like they're concerned, when in fact, they're just trying to save their jobs if things go wrong, as they will if this is all we do. They can tell their voters—my record shows I tried—baloney.

They're just throwing crumbs at the freedom fighters in order to make it appear they're concerned.

This plan is nothing more than a Pan-American road map for millions of Central American refugees who'll be flooding our southern border in order to escape Communist tyranny and oppression. Again, this is the same Communist oppression that the white flag appears in this Congress refuse to take any action to stop.

All they're trying to do in this plan, is throw a bone to the freedom fighters without any meat on it. Is this

what we stand for in this great country of ours?

We now find that the Communists in Nicaragua, along with Fidel Castro of Cuba, are offering their support to General Noriega, the narco-military leader of Panama. Nicaragua and Cuba, the only two Communist countries in our hemisphere, are the only two countries to pledge support to Noriega. How clear does the picture have to be drawn before you can see it. The Communists in Nicaragua want their revolution without borders to not only involve Central America, but the Panama Canal—as well. The Panama Canal—a main artery of the body of the United States of America.

We'd better help the freedom fighters because it is now even clearer—this fight involves more than just freedom in Nicaragua, it ultimately involves the freedom of this entire hemisphere.

Other great leaders like Winston Churchill who listened to the appeasers of their time trying to buy peace with the freedom of others, must be flipping in their graves.

Have we learned nothing from history? You won't buy peace by giving this pittance to the freedom fighters. But, of course, you're not trying to gain peace with this bill—this is just a bill to ensure you look truly concerned—so you can get reelected.

Give peace a chance? How about giving freedom a chance. Because peace without freedom isn't peace, it's slavery.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute to respond to what has been said by the gentleman.

Mr. Chairman, I would suggest at the beginning stages of this debate that we all try to practice one rule today, and that is to avoid the temptation if we cannot deal with the arguments of the other side, to deal with motives instead. I hope that no one on this side of the aisle questions the motives of anyone on that side of the aisle, and I find it distasteful, as well as sometimes boring, to listen to it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. No, I will not yield. The gentleman can get his own time.

Mr. WALKER. The gentleman is very generous.

Mr. OBEY. Mr. Chairman, I ask for order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the time.

Mr. OBEY. Mr. Chairman, I simply suggest that if somebody wants to take on the arguments, that is fine. That is what this place is all about. We should not be questioning other people's motives.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I am pleased to take the well to start talking about some of the arguments, which is what Mr. OBEY seems to want. I think that it is important for us to remember that just about 10 weeks ago, on December 13, President Ortega said, as they were discussing this entire issue of the Esquipulas II agreement and implementation said: "In the hypothetical case that the Sandinista front lost an election, the Sandinista front would hand over government, not power."

Well, they have not yet held that election, and they have not lost it, but we have certainly seen power demonstrated very clearly by President Ortega. How did he do that? By throwing out that tremendous individual whom many of us have met on many occasions both here and in Nicaragua, that is, Cardinal Obando y Bravo. He is an individual who desperately wants peace, like all of us do. Yet he is one who realizes very clearly that that four-point promise of free and fair elections, an end to human rights violations, a nonaligned foreign policy, and political pluralism should in fact be implemented as promised in the 1979 revolution.

One of the tragedies and one of the arguments that has been pointed out came from one of our meetings that we held when we were in Honduras. Ambassador Briggs told us that what he had heard from many of the Contra leaders is that the United States of America continues to provide just enough to survive but not enough to fight. Many people have also argued that we in this country have the exact same interests as the Central American presidents.

Well, again that is not always the case. It seems to me that some of the Central American presidents have the same interests that a number of my colleagues have on the other side of the aisle. We desperately want to ensure that we never have to send a single U.S. combat troop to the region. Yet this package which may provide just enough to survive but not enough to fight may create a situation where we would be forced to send U.S. combat troops to the region. President Arias has said that that may be the solution, that that may be what they want, and, unfortunately, many of our colleagues on the other side of the aisle have said the same thing.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise today in support of this legislation.

This will be one of the most difficult votes I have cast in my 14 years as a Member of this body. For years, I have stood on this floor and argued against providing any aid, in any form, to the

nondemocratic, terrorist Contras in Nicaragua.

I have steadily opposed that policy because I felt that it could not succeed in its goal of either democratizing the Nicaraguan Government, or achieving its downfall. Most recently, in December and on February 3, I also voted against Contra aid because it was clear that for our Government to provide additional lethal assistance to the Contras would fatally wound the Arias peace process—which offers the best hope in a generation for an end to the killing and the beginning of national reconciliation.

Yet today, I urge my colleagues—including those who have long stood with me in opposing Contra aid, to vote for this compromise, because it will facilitate an end to the war, perpetuate the peace process, and simultaneously send a renewed message to the Contras that the Congress is not willing to provide lethal aid.

This bill in no way sanctions the destructive and counterproductive policy of the Reagan administration in Central America.

Far from it.

Our policy of underwriting an army of mercenaries has destabilized, pauperized, and radicalized both the Sandinistas and the people of Nicaragua. It has rekindled the dimmed fires of gunboat diplomacy and condescension toward so-called banana republics of Central America.

And it has damaged our democracy here at home as well, as we all learned in excruciating detail last summer.

I vote for this legislation today, and I ask my colleagues to support it, in spite of our long fight against the Contra policy.

One of two parties is going to be terribly affected by the vote we cast today.

It could be those of us who have long stood against any form of aid to the Contras. And voting for that aid now, in any form and for any reason, causes us anguish because we must compromise on a policy we despise. It is true: credentials are on the line, and voting for this package may do some damage to them.

But the people of Central America are also on the line—the people whose peace process will be destroyed by the resumption of military aid; the people whose children will be blown apart and murdered by the resumption of military aid; the peoples whose futures, whose prayers for an end to the fighting and a chance for tranquility, will be so diminished by the resumption of military aid.

If one party must be damaged—credentials or the last hopes of millions of people in Central America for peace—then I must cast my vote for this humanitarian aid package.

I do so without the certainty that its passage assures peace; but I do so with the certainty that its failure prolongs war.

Ending this war has been our goal, and remains our unshakable goal with the passage of this bill.

I have been asked, "How is this situation any different than our vote in December, or our vote in February, when we fought any aid?"

And the answer is: Today, we have ended the military support for the Contras, and we have provided an environment where the peace process can be pursued.

Defeat of this package will undoubtedly return us to a policy which promotes war, and will strengthen the administration's policy of indifference to the peace negotiations.

Three weeks ago, we who have long opposed any Contra aid went to some of our friends who had not shared that viewpoint and asked them to "give peace a chance" by casting a vote they would have preferred not cast, a vote which took some courage, a vote which was perhaps inconsistent with some of their long-held views.

And enough of them took that chance for peace to stop military aid—a crucial, and hopefully irreversible, step toward peace.

Now, it is our turn to take a risk, to cast the tough vote to give peace a chance. Because if this vote fails, make no mistake, the policy of arming the Contras, wins.

If this package fails, make no mistake, the undermining of our national goals and our national conscience will be given new life.

I speak to my troubled colleagues with much reservation, because I cannot assure anyone that this package is not the first step on a slippery slope that puts the Congress on record in renewed support of the Contras. Preventing that requires the vigilance and commitment of every Member of this body who shares our view on the Reagan policy in Central America.

But I can assure you—and you know it is true—that defeat of this package of nonlethal, highly supervised aid will leave many of our courageous colleagues with no alternative but to vote for the arms that the Senate, or the President, will propose.

We are not the only ones who have to make the difficult decision. Throughout this country are tens of thousands of church people, peace activists, labor leaders, and concerned citizens who have shared with us the burdens of this campaign for peace. Many of them cannot support this package, and I respect their conscience and I wish this vote were not necessary.

But there are many others, including the leadership of Countdown 87, the national coalition against Contra aid, which understands that this is a

vote for peace, for the Arias plan, and against the resumption of military assistance which will end the hope for peace.

We will have to take that message back to our constituents, and ask their understanding that this course is the most likely to perpetuate the peace process and prevent the resumption of military aid. I would rather take that message home than an explanation that military aid was resumed, but my voting record remained 100 percent consistent.

That is the only real choice which faces us today—the lesser of two evils. A vote for the ideal is, effectively, a vote for the worse evil, and it is a vote which inadvertently and unfortunately will provoke far more severe consequences than an "aye" vote.

So I ask my colleagues, once again, to "give peace a chance" by voting for this compromise, and then to reinvigorate the effort to strengthen the peace process and prevent the resumption of military aid in Central America.

In the spirit of sustaining the movement toward peace in Central America, this legislation is supported by a wide range of organizations which have long opposed any form of aid to the Contras, including: Friends Committee on National Legislation; Lutheran Office for Governmental Affairs, Jesuit Social Ministries, Network: the Catholic Social Justice Lobby, the Presbyterian Church [USA], and Countdown 87: A Campaign To End Contra Aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, on February 3, I stood in this well in front of this body and said that those who entreat us not to forget the lessons of Vietnam were talking about the wrong lesson. They have always entreated us not to forget the lessons of Vietnam which relate to the piecemeal introduction of a United States force into a war zone without a clear, coherent plan, without a clear, coherent sense of policy.

I said instead that the lesson of Vietnam we should be remembering is not to abandon our allies. Well, it appears that I was half right and half wrong. It definitely appears to me that the package which is being proposed by the majority is a definite abandonment of the democratic resistance in Nicaragua. It also is very clear that the democratic package being proposed to us today is the very first step to a piecemeal, unthoughtful, unplanned and without-policy introduction of the U.S. military into Central America. This plan calls for the abandonment of an in-place operating and efficient delivery system carried out by the Central Intelligence Agency, and it replaces the responsibility with

the Department of Defense and with U.S. military personnel.

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There has been no consultation with the Department of Defense to determine if they want this responsibility, if they have the capability of carrying it out, or how they would carry it out. Is it being done simply because there are people in this body who do not like the Central Intelligence Agency and, therefore, they are imposing this obligation on the Department of Defense? That is not policy. That is not planning. That is not thinking through the consequences. What that is doing is taking us on the first step of introducing American force into Central America, a war zone or a potential war zone. We should be ashamed of doing something like that. I sincerely hope that none of us will ever have to explain to a mother or a father of an American serviceman just exactly how we got into that kind of a posture.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the gentleman yielding me this time.

Let me say in light of what the previous speaker in the well said about motives, all of us I think share the same goal, seek the same goal in Central America. We have a difference of what strategy might accomplish that goal. We all want peace and protection against real threats to our security. I think we ought to understand that when we engage in these discussions.

There is a peace plan underway in Central America, and the question is what do we do here and how does it affect that peace plan? Some of us feel very strongly that to provide lethal aid which would derail the peace plan will be very counterproductive to us and to the people in the region. We need to do what we can to give that peace plan a chance to work.

The real question before the House of Representatives is what are we going to send to Central America? Are we going to continue to send guns to guerrillas and guns to governments, or are we finally going to begin to send what our neighbors so desperately need, food, medicine, and clothing, the kind of help one neighbor would normally give to another neighbor.

Are we also going to help pursue peace, not try to derail it?

The proposal before us offers two fresh approaches and combines them as a transit or a bridge to peace. For a short time period we say to the Contra soldiers that we will provide you with sustenance needed to maintain life. We have a responsibility for this peaceful aid, this short-term survival assistance of food and medicine to the young men and women in the hills

while the final step of being taken in a peace process to provide lasting peace so that these folks can come back and join their families.

But more than this sustenance to the Contras, there is another part of this package providing aid to the children of that region. The second part of the package is the Children's Survival Fund of genuine humanitarian aid, which I helped write. It recognizes the thousands and thousands of children who are victims of this war, the children who have lost their limbs, children who have known the agony of burns and bullets, who are hungry or homeless. We need to start the healing process to bind up the wounds of war. We need to start with these children.

The Children's Survival Fund will provide basic food, medicine and shelter for the children victims of this war, prosthetic devices for amputees, treatment for the burn victims, life-saving immunization and oral rehydration therapy for victims and orphans.

During a trip to that region some while ago I met a young woman in a refugee camp on the border between Nicaragua and Honduras. She was holding her 6-month-old son in her arms who was desperately ill. It appeared he would probably not live. The mother asked for help and there was not anything I could do and there was precious little medical help in that refugee camp. The tears from that sick child I saw that day are our tears, too. They are tears that Congress should not and cannot ignore.

In this child survival package we finally begin converting what would have been lethal aid to assistance that will give hope and give life to the children of that region.

Let me make one final point. In many cases these children live in refugee camps. They do not understand or care about the difference between democracy and communism, but they know the difference between happiness and sadness. They know what suffering, pain and injury is.

I want them also to know what healing is and what opportunity is. If we take these steps for both the Contras and the war victims in this bill, I believe we will promote regional peace, and frankly we will help tens of thousands of innocent victims. We will be taking two steps, the first step and the right step.

I think the Congress can be proud of that. Again we share the same goal. The goal is peace and democracy in that region and the promotion at genuine hemispheric security I think we are close to that goal. What we do in this package can assist that goal immeasurably. We keep the Contras until a peace settlement, we help the children, and we move this region toward peace. I am proud to support this package.

I would also insert for the RECORD a more complete statement on the elements on the child survival package.

Mr. Chairman, section 10 of this resolution, children survival assistance, is the most remarkable and important part of this legislation. The intent of this section should be clear: aid to children, as defined under this section, is to be distributed based on need, not on politics. Our aim is to provide effective assistance as rapidly and efficiently as possible to children in need and to convert military aid into life-saving help.

The language of this section allows the Agency for International Development [AID] the flexibility and responsibility to determine the precise amounts to allocate to each of the named types of assistance and designated groups, with the understanding that the aid is for, and only for, innocent children who need these types of assistance. The aid, therefore, should be allocated equitably by AID, based on need, both inside and outside Nicaragua, with at least one-half of the funds benefiting children living in Nicaragua.

NO AID THROUGH NICARAGUAN GOVERNMENT

Children's survival assistance is to be provided to children on both sides of the conflict, through the Agency for International Development's Office of Foreign Disaster Assistance [OFDA], which should contract for delivery of services only with nonpolitical private and voluntary organizations, such as Catholic Relief Services and CARE, and international relief agencies, such as UNICEF. Those agencies and organizations which already provide such services or similar ones in the region are to be given preference in the allocation of these funds. None of this money is to go to or through the Government of Nicaragua.

As many as 2,000 Nicaraguan children have lost a limb, usually a leg, because of mines planted as part of this war. It is our intention that some of the funds provided under section 10 be used to provide noncombatant children with artificial limbs as well as the essential complement of rehabilitation services so that they can function adequately with their prosthetic device.

Many children have suffered severe burns as a result of flying shrapnel and explosions associated with armed attacks. It is our intention that they be helped under children's survival assistance.

CARE FOR ORPHANS AND REFUGEES

More than 10,000 Nicaraguan children have been orphaned by war, and we intend that some of these funds be distributed to nonpolitical private and voluntary organizations and/or international relief agencies to better provide for the health needs of these children, tragically deprived of their parents.

An international relief agency such as UNICEF and/or private and voluntary organizations should be provided funds to immunize a sizable number of the more than 100,000 Nicaraguan children who remain unprotected against killer diseases such as diphtheria, tetanus, polio, measles, and whooping cough.

A category for additional medicines and other essential health supplies is contained in the language to permit AID to supplement these essential health needs as necessary. It should be clear, though, that it is intended that the focus of any AID activity be to provide

for the most pressing health needs of these children.

Hundreds of thousands of children in Nicaragua do not have access to adequate medicine or medical treatment. Even simple treatments, such as oral rehydration therapy [ORT] and vitamin A supplements, are not available to many of these children. Yet ORT is an effective, low-cost treatment (a few pennies per dose) against diarrhea, and diarrhea remains one of the leading causes of child disease and death in Nicaragua. Vitamin A, which costs less than 2 cents per dose, prevents blindness and reduces child mortality. It is our intention that such treatments, as well as other effective medicines, be provided to Nicaraguan children facing life-threatening conditions.

STANDARDS OF TRAUMA CARE AND FIELD TRIAGE

While both alternatives before us today recognize the need for a special Child Survival Program, neither will achieve its goals without a well-defined plan for treating severely injured or at-risk children.

The Democratic package envisions emergency care for several groups of children: amputees, orphans, burn victims, and those inflicted with life-threatening diseases or malnutrition. Each group will require special attention and treatment. I want to emphasize for the record that whichever voluntary or international agencies AID selects for child survival activities, they should follow medically accepted guidelines in providing care.

I am indebted to the Pan American Trauma Association for recommending, in particular, that trauma care be delivered in accordance with the guidelines of the American College of Surgeons Bulletin entitled "Hospital and Pre-hospital Resources for Optimal Care of the Injured Patient" (Vol. 71, No. 10). The bulletin carefully describes the key delivery and patient components of trauma care, the appropriate levels of care, and criteria for effective field triage.

As one of the authors of the child survival assistance in section 10, I would underscore that such professional and medical standards must guide the delivery of authorized care wherever possible.

HUNGER COMMITTEE WORKING GROUP ON CENTRAL AMERICA

Finally, I want to emphasize that the child survival initiative stems from the Hunger Committee Working Group on Central America. As part of our agenda for the year, the committee is examining nutritional and child survival requirements of the region. Section 10 of this bill reflects, in part, our effort to address the specific needs of children injured and dislocated by the war in Nicaragua.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, we have before us again a problem that we have been trying to evade for indeed over almost a number of years. Someone has referred to the "Arias peace process," but where is the peace process? Where is Mr. Arias?

Mr. Arias has indicated that Daniel Ortega is not carrying out the peace

process. He is violating it. But what has Mr. Arias done?

The purpose of the Contras is suppose to provide pressure to force Daniel Ortega and his band of ruffians to carry out the promises made when they promised democracy for Nicaragua.

The purpose of the Contras is to put pressure on the Ortega government and pressure that can be applied on Ortega, and can be applied in other ways.

About a month ago, the distinguished Speaker of the House of Representatives, Mr. WRIGHT, was able for a brief moment to bring together Cardinal Obando and at the same time Daniel Ortega; but that did not bring about peace. In fact Ortega has already dumped the cardinal as the mediator.

The only way we can provide peace in Central America is to get some kind of pressure that will bring back the promises a pressure that will not go away that is the reason for the Contras.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, an interesting letter came into the possession of Members on our side of the aisle from the Democratic study group sent out to so-called peace groups from a number of Members on the other side of the aisle indicating why they should support the Democratic package, and in there it says:

This bill does something that we and they—

That is, the groups—

have consistently and strongly opposed for the last several years. It provides aid to the Contras in the form of food, clothing, medical supplies and shelter.

Then it goes on and tells us that the reason they do that is not because they support that, but because it is the only thing they can win with on the floor. So let us be clear about what the intent actually is. It is at some time to deny the Contras food, clothing, medical supplies and shelter, and absolutely destroy them as any effective force whatsoever in Nicaragua.

Many of us here are debating. We are not questioning motivation, but we are questioning what the outcome is going to be of our decision here. We wonder what is going to happen 20 or 22 years from now. What are people going to say about what we did here? What are the consequences of what we do here?

I would commend your attention to the book, "Against All Hope," by Armando Valladares. He can tell you what is going to happen in Nicaragua, because it has happened in Cuba. For 23 years he was a political prisoner in the prisons of Fidel Castro, despite all the same things happening in Cuba

that are happening in Nicaragua today. When I spoke with him a couple months ago, he said that the East Germans came in and instructed the Cubans in the use of terror in the prisons.

He said, "The head of one of the prisons that I suffered in during my 22 years is now in Nicaragua," doing what—"instructing the Nicaraguan Communist government in how to use terror and torture in the prisons for political purposes."

The question is are we in 22 years going to look back and say, "We were taken in by the Ortegas of the world."

Why do we have to learn this all over again?

Armando Valladares says, "Against all hope."

Let us not write a new book that says, "Abandon All Hope."

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. COATS].

Mr. COATS. Mr. Chairman, for better or for worse, it is clear that the House of Representatives has assumed a major role in shaping U.S. foreign policy. That means that each of us has to make critical decisions as to what we think that role should be and what that policy should be, and we are making one of those decisions today.

I would hope that each of us would have the courage to vote our convictions. There are few Members left in this body who do not think there are major problems in Nicaragua, major problems in Central America.

The Sandinistas have demonstrated the nature of that regime to all of us, but we are divided in how to respond to that problem. Half have said repeatedly that assistance to the Contras is the only viable means available to us for deterring the Sandinistas, short of direct U.S. military intervention, which none of us want. We would rather those who support the Contras send their money to pay Nicaraguans to fight Nicaraguans than risk United States troops.

The other half passionately argue that any aid to the Contras or any support to the Contras by the United States is a barrier to peace and democracy in Nicaragua and Central America, two opposing views, both strongly held on what course of action we are to take in Central America.

But what do we have before us today? We have a democratic package that is designed not to advance their foreign policy view, but simply to provide political cover for some members of that party who do not want to be caught in case their policy fails. So instead of having the courage to vote their convictions and say, "We don't think there should be any aid to the Contras," they are providing a package of blankets and Band-aids and some Bufferin to assuage their consciences and give political cover in case

the thing becomes a cropper in a few months or a few years.

As we advance and move toward this vote today and if we are going to assume that foreign policy role, let us at least be honest and do it up front. Let us at least state what our policy is going to be, vote our convictions. You cannot have it both ways.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, today the Members of this body are faced with a stark choice, a choice between peace and war. The Democratic substitute will move the peace process forward and help bring an end to the fighting in Central America.

The Republican alternative will allow the Contras to continue their war, endanger the peace process, and ensure that the killing continues.

This should not obscure the fact that this is an extremely difficult vote for those of us who have consistently opposed Contra aid in the past. While the Democratic aid package is an effort to end the war, and, therefore, moves us toward humanitarian assistance, the fact remains that it is aid to the Contras—something I have never, in the past, supported.

However, this aid package is fundamentally different than any of the aid packages which have come before us in the past. It includes no helicopters, it includes no jeeps, it includes no trucks. It contains only food, clothing, and medicine. More importantly it includes assistance for the most deserving victims of the Contra war—the children of Nicaragua who have been caught in the crossfire.

There are a number of other important differences between the Democratic and Republican plans. The Democratic plan provides for strict monitoring of all aid shipped to the Contras and requires that U.S. Government involvement in aid distribution end in the event of a cease-fire. The Democratic plan also contains language preventing further distribution of the military equipment already stockpiled for the Contras, a very significant departure from other proposals and one I will help stop the aid from flowing.

President Arias supports the Democratic plan and has said that it is fully consistent with his efforts to bring an end to the fighting in the region. In addition, the Democratic package clearly establishes that any further assistance to the Contras will only be sustenance aid—food, clothing, medicine, and shelter.

The "non-lethal" aid contained in the Republican package, essentially military aid by another name, violates

the Arias plan and endangers the peace process.

This is not an easy vote—either for me or my colleagues who, like me, have opposed Contra aid. However, we must consider the alternative to passage of the Democratic substitute. Any vote against the Democratic plan is a vote for the Republican plan. Any vote against the Democratic alternative is a vote for military aid to the Contras. I would hope that any of my colleagues who are considering voting against the Democratic alternative will consider this before casting their vote.

This vote today will send a message to the people of Central America. Passage of the Democratic plan will tell the people of the region that the United States is committed to finding a peaceful resolution to the conflict, that the United States wants to support the work of President Arias—the people of Central America to achieve peace and end the war. That is the message I want to send. I hope it is the message a majority of my colleagues also wish to send.

I urge my colleagues to join with me and support the Democratic substitute.

□ 1500

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I am a little discouraged to hear the gentleman from California [Mr. LEVINE] talk about a Democratic plan and a Republican plan. I am very disappointed because it is a dark day in the development of American foreign policy. After World War II the sitting President was a Democrat, Harry Truman, who worked very closely with the Republican chairman of the Senate Foreign Relations Committee, Arthur Vandenberg from Michigan. Vandenberg, who was at one time an isolationist, worked with Truman to develop NATO and some of the most important foreign policy initiatives for this Nation as a new world leader.

In July 1983 President Reagan appointed a commission, proposed by Scoop Jackson and chaired by Henry Kissinger to develop a long-term bipartisan foreign policy for Central America.

Where is that commission now when we need it?

It has disappeared from the scene.

Mr. Chairman, today we are here trying to develop foreign policy for Central America one from the left, another from the right. We are not working together harmoniously to build a bridge between the peoples of the United States and Central America. A successful bipartisan foreign policy for Central America must have some basic elements in it: an element of strategic decisions, an element of cultural deci-

sions and policies, an element of education and scholarship.

But where are we today? Central American countries are sending thousands of students to Moscow, to be educated in Marxist institutions as teachers, doctors, and lawyers.

We have no provisions relating to the Caribbean Basin Initiative or our trade policy with our Latin American neighbors in this bill. This is a major deficiency. To me historically it is a dark day for this Nation.

The membership of the Kissinger Commission was bipartisan in nature and included Robert Strauss recognized as a reputable and outstanding leader of the Democratic Party; John Silber, president of Boston University; Potter Stewart, a former Supreme Court Justice; Lane Kirkland of the AFL-CIO; and others. I think we need to reestablish that commission. We need to begin to talk together in a bipartisan way to craft a decent long-term foreign policy for Latin America, our good neighbors. We need to build a partnership between the United States and Central America for the future, not the short sighted, crisis-oriented policy that we are looking at today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I agree with my colleague the gentleman from Michigan [Mr. PURSELL] about the need for bipartisanship. I wish we could reach that consensus on a bipartisan policy toward Central America, and in looking at the alternative plans that are under consideration today, it is clear we are moving closer. I would hope that in the future we could find that kind of consensus so that we could have a consistent policy that is adopted by a greater majority than just a handful of votes.

Mr. Chairman, I want to talk about that portion of our aid package today that would send humanitarian aid to those other than the Contra resistance. A lot of the debate has focused on the humanitarian aid for the Contras. However, the portion of the bill that I want to speak about is the provision that establishes a child survival fund for the innocent victims of the strife in Nicaragua.

I would like to stress that child survival funding represents nearly 50 percent of the total aid package, an amount equal to the humanitarian relief provided to the Contras. Furthermore, it is a program that those of us on a Hunger Committee task force have spent some time in formulating.

During a Hunger Committee investigative tour of Nicaragua in August of 1987, I witnessed, firsthand, the conditions in which many of the children of Nicaragua live, conditions created in part by United States funding of the Contra rebels and in part by the misdi-

rected policies of the Sandinistan Government. In Nicaragua clinics are under-equipped, understaffed and overcrowded. Immunization programs in most parts of rural Nicaragua now have been abandoned in spite of the earlier successes in this area of health care. Children have been burned and have lost limbs from land mines and battles between the Contra and Sandinista forces. Hospitals, clinics, and health care services that could provide these children with care have been severely damaged and in some cases closed due to Contra attacks. The Hunger Committee fashioned the Nicaraguan child survival program to address these problems. We created the program and worked with AID, private volunteer groups, and others to determine the type of programs and levels of funding needed to make an impact on the children of Nicaragua.

Mr. Chairman, I urge adoption of the package particularly because of the importance to the children of that region.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, I rise neither to support the Republican nor the Democratic alternatives, but to suggest a pox on both approaches.

There has been a good deal of discussion today on the distinctions between the two packages before us but in a philosophical sense, they are surprisingly similar. The key distinctions are procedural; matters of degree, not substance.

One approach, for instance, gives the CIA administrative authority over our Contra aid, the other the Department of Defense. This distinction is not great. Both are agencies of the U.S. Government, manned by individuals who are patriots willing to serve their country in dangerous circumstances.

At issue in the largest sense is the message, not the deliverer; the composition of the order, not who articulates it.

Unfortunately, both the Democratic and Republican packages contain the same message: more of the same.

If the Boland amendment was a Gulf of Tonkin resolution in reverse, the approaches being considered today represent a capitulation to executive violation of law. In this respect, it is key we understand what the law is.

In its opinion on June 27, 1986, the World Court wrote, "if the provision of 'humanitarian assistance' is to escape condemnation as an intervention in the internal affairs of Nicaragua, not only must it be limited to the purposes hallowed in the practice of the Red Cross, namely to 'prevent and alleviate human suffering', and 'to protect life and health and to ensure

respect for the human being'; it must also, and above all, be given without discrimination to all in need in Nicaragua, not merely to the Contras and their dependents." The aid included in this bill which would be administered by the CIA in the Republican approach and the Department of Defense in the Democratic one clearly violates this injunction.

Whatever package prevails in the first vote today, my advice is for this Congress to summon the courage to follow the law, to just say "no" to wean itself from the drug of war.

It is time to cease supporting an illegal war, immorally prosecuted; time for the majority party to stop criticizing and start standing for principle.

It's time for accountability, not rationalizations; time to end remonstrations against the President, while giving remunerations to advance his policies.

Above all, it is time a sense of law is applied to our foreign policy.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, make no mistake about it, this package is the best of a bad choice, but I would submit that the bad choice we face is not one created simply by the politics of votes in this House. It is a bad choice created by history and by our past policies.

Those policies and history had three stages. First there was the 40-year dictatorship of Somoza, unfailingly backed until the very end by this very country, which kept Nicaragua impoverished and without freedom, developing an anti-American attitude on the part of the people of Nicaragua.

The second part of the bad choice was the revolution that occurred, not the revolution itself but the fact that a totalitarian faction of that revolution, the Sandinistas, gained the upper hand.

The third part of that bad choice were the Contras, remnants of the Somoza regime by and large, former members of the National Guard who were hated in Nicaragua and brought back to memory the 40 years of support for Somoza that is a blot on our record.

They are the very Contras of whom, and let me quote Rob Owen writing to Ollie North, said, "These are not first-rate people. In fact, they are liars and greed and power motivated. They are not the people to rebuild a new Nicaragua."

So that is where we are, I say to my colleagues. We have the best of a bad choice that history has thrust upon us. The process of peace which we seek to encourage with this package today is a step-by-step process, a stage-by-stage process, a slow process. If we are serious about peace, we certainly do not want to send helicopters and

communications equipment to the very people who the Nicaraguan people hate, the Contras.

If we are serious about peace as well, we do not want to let up all pressure on the totalitarian Sandinistas and just tell them to go ahead and go about their merry way.

For once, there is a glimmer of light in this sad part of the world, and that is the peace process. I would submit to my colleagues that by maintaining humanitarian aid and by eliminating all lethal aid we will do most to aid the process of peace and to aid the process of democracy which we cherish.

Mr. Chairman, I urge support of the Substitute. I urge opposition to the Republican proposal.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, we have before us a question of choices, and our choice is very much going to depend on how we view the situation.

I will tell my colleagues how I view the situation.

We are dealing, in my opinion, with a pro-Communist Soviet client state that is heavily militarized, has plans to use that military against its neighbors, and is willing to sacrifice its own economy to finance its military and ultimately represents a security threat to this country and particularly to one of our prime economic assets, the Panama Canal.

Therefore, my choice is to take those rational steps necessary to deal with that Communist threat. There are others who disagree. They see this situation as one where we the people of the United States are to blame, where the Communist threat is insignificant, and in fact we have heard in this debate earlier today that we ought to learn to trust the Communists there, and any danger to our security or the security of the embryonic democracies in Central America is secondary to the goal of peace even if it threatens freedom.

Why do I say they do not believe there is any real Communist threat? The Democratic study group letter was referred to earlier. I have been through the whole letter, and there is not one mention made in there of any Communist threat. In fact the only problem they see in Central America in this letter is poverty and maldistribution of wealth, something which is strikingly similar to the Communist Sandinista analysis of what is going on down there.

□ 1515

It seems to me also that you have got a situation where their measure that they bring forth advocates a position that is necessary to abandon our commitments there and accommodate

the Communist regime that will inevitably result. Is that too strong?

They have a Presidential candidate, one of our leading presidential candidates, who told us recently that we should be willing to accept an inoffensive Communist state in Central America. If my colleagues look at the two reports they will find out that our version of what we should do says, and I quote, we should put an "end to Soviet, Cuban and other Communist bloc military or security assistance to, advisors in, and establishment or use of bases in, Nicaragua."

What does their substitute proposal say? It says only that what we ought to do is take care of any potential offensive capabilities. We ought to accept an inoffensive Communist client state in the Central American mainland in this hemisphere.

So what are the choices before us today? Those who believe that we should take a firm stand against the Soviet threat in this hemisphere oppose the Bonior substitute. Those who believe America is to blame for the problem in Nicaragua support that substitute. It would pay reparations to the Soviet Government, it would make anti-Communist forces into refugees and for the first time involve our military in that conflict.

There has been some controversy on the floor about involving our military in the conflict. Let me quote from the Democratic proposal. I have it right here. It says, "The Department of Defense shall be responsible for the direction, management and delivery of assistance authorized by this joint resolution."

My friends, the Department of Defense is our military, in case you had not heard lately.

The question is one of choices. My choice is to try to help the Nicaraguans who want to stand up against communism.

Mr. OBEY. Mr. Chairman, could I inquire how much time is remaining on both sides?

The CHAIRMAN pro tempore (Mr. PANETTA). The gentleman from Wisconsin [Mr. OBEY] has 18 minutes remaining, and the gentleman from Oklahoma [Mr. EDWARDS] has 24½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I will not vote to put American military personnel in danger in Central America. The Democratic alternative will do just that. It is portrayed by its sponsors as humanitarian aid for the Contras.

It is, in fact, nothing more than a thinly disguised recipe for unilateral disarmament in Nicaragua. It removes all pressure against the Sandinistas

but does nothing to reduce the Sandinista military threat or the Soviet-Cuban presence in Nicaragua. The proposal places too much emphasis on the good faith of the Sandinistas to comply with the Arias peace plan and gives too little incentive to the Sandinistas to make the reforms necessary to bring democracy to Nicaragua. It is designed to appeal to those who want peace, but it is peace without freedom.

It is hard to place much confidence in the sincerity of the Sandinistas for the Arias peace plan. One month after they signed the peace accords in Guatemala in August, the Sandinistas signed an agreement with Cuba and the Soviet Union to double the size of their military, and to escalate the offensive weaponry available to the Sandinistas by providing them with surface-to-air missiles and Mig jets.

How can the Sandinistas be believed that they truly want to carry out the Democratic measures required by the Arias peace plan? They made the same commitments to the OAS in 1979; then, last fall, in his address to the OAS Daniel Ortega—the same Daniel Ortega who goes regularly to Moscow and who also supports Panamanian General Noriega—ridiculed and expectation that the Sandinistas should have complied with their 1979 commitments to the OAS. He told the other Western Hemisphere leaders that there was no legal, binding commitment on Nicaragua to honor its 1979 promises to the OAS. If the Sandinistas can so easily get away with discarding their 1979 commitments, what is to keep them from discarding their 1987 commitments to the Arias peace plan? And just today it is reported Ortega fired Cardinal Obando y Bravo as mediator.

The single, most effective pressure on the Sandinistas to reform has been the existence of the Contras. Removing the Contras as an effective impediment to consolidating their Communist regime in Nicaragua has been the primary goal of the Sandinistas in supporting the Arias peace plan. The Democratic alternative accomplishes the Sandinista goal for them. It is done in the name of humanitarian assistance; but, it is the same as giving the Contras no aid at all. It is even more insidious than giving no aid because it accomplishes what the Communist Sandinistas want: The surrender of the Contras, and it does it while making it look like Members of Congress are humanitarians.

I reject this deception. I urge my colleagues to vote against it and to vote for the Michel language.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I know it was just February 3 when we considered the very, very moderate Republican package here in the House. It is

really mind-boggling that it was not approved. Of course, it came very, very close. With the slip of just 4 or 5 votes we would have had approval.

Now we have this Democrat package up here which is a political figleaf for liberals to be able to vote for something to try to argue at home that they have sustained the Contras. We all know that this is a silly package. We know it has virtually no chance of becoming law, because if we send this thing over to the Senate they are frankly going to laugh at it because it has no impact and has no effect and has no real substance. We all know that.

I do not get as worked up as some of my colleagues and my friends on our side of the aisle about how bad your package is because we all realize this is gamesmanship being played right now. The vote today is not the critical vote. I guess the critical side of it is whether this package gets out of the House, which I think it clearly will because of the political muscle being applied. But that is not the crucial vote for the men and women in this House to have to consider. The crucial vote is whether the liberals in this House are going to be responsible when this package comes back from the Senate, because you know what, the package that comes back from the Senate is going to be remarkably like the Republican package that was offered in this House in the beginning of February. You know it and I know it. Then you are going to have to decide whether you are going to reconcile yourself to the point of voting for a package that provides the kind of assistance that needs to be provided to the freedom fighters in Nicaragua, and I submit to you that you will. I submit that the majority will prevail in this House and we will provide the essential money that the Contra leaders need in Nicaragua in order to enforce a peace plan.

I cannot believe that we are considering this vote a day after Daniel Ortega decides to fire Cardinal Obando y Bravo. What an incredible act of bad public relations again by Mr. Ortega. My colleagues cannot keep making excuses for him.

So what I say to my colleagues is have your fun today, play your games today. The crucial vote is coming and I hope we are going to be responsible and deal with the problems in Central America, not just within Nicaragua, but send a message to the entire region that we are going to be responsible.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute to respond.

Mr. Chairman, there are two lines of baloney that we heard in the previous speech. The first is that this provision provides that military personnel might be put in danger.

The fact is that section 216 of the 1987 CR specifically prohibits that.

That is included in this provision, and that guarantees that the only action that is going to take place by the Defense Department will be by contract in precisely the same manner as under existing law.

The second point that has been suggested is that the cardinal has been fired. That is also a lot of baloney. The cardinal is still in Nicaragua, he is still a cardinal, he is still chairman of the Reconciliation Commission. The Sandinistas have simply said that they will now, for the first time, accept the demand made by the U.S. Government and the Contras themselves that they negotiate directly with the Contras.

The administration on that point, instead of nitpicking, ought to simply declare victory and go home.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, for weeks now—since the narrow defeat of the President's request—the majority has been trying to agree on renewed assistance for the Nicaraguan Contras.

Even the Speaker's plan recognizes it is necessary to sustain the freedom fighters. Our assistance is essential to maintaining the Contras as a viable force to keep pressure on the Sandinistas.

Unfortunately, in my view the majority plan amounts to a surrender package. It could ultimately turn the freedom fighters into refugees in their own country.

Either we provide the necessary assistance to the Contras or they will be at the mercy of the Sandinista Army. It's that simple.

Mr. Chairman, I came to the House during President Eisenhower's term. I have served with seven Presidents from both parties, as a minority member of the Foreign Affairs Committee.

No one understands better than I the need for consensus and bipartisan ship in foreign policy.

In all my years here, never have I seen such a partisan attempt to assert congressional influence in foreign affairs.

I am deeply concerned about the precedent the Speaker's plan would establish. In the future, are we going to have the congressional leadership formulating foreign policy and committees of Congress performing executive functions?

The Speaker's plan turns everything upside down. It virtually rewrites the Constitution.

Think about it. The majority's plan puts the Speaker in the role of the President.

It puts the Intelligence Committee in place of the State Department. And

worst of all, it puts our Armed Forces at risk in Central America.

What are foreign governments to think? Who should they deal with—the President or Congress?

Let's get it straight. Let's put our own house in order and send a clear message of support for democracy in Nicaragua.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, let me start out by expressing my appreciation to the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me and to commend the Speaker of the House, the gentleman from Texas [Mr. WRIGHT], for taking the political risk of accepting the invitation of the President of the United States to become involved in the peace process in fashioning a negotiating process there.

Mr. Chairman, I rise to speak today in support of the Democratic alternative Contra aid proposal.

I do so as a strong opponent of the Reagan administration's policy of sending military aid to the Contras. The United States has no right to overthrow other sovereign governments simply because we disagree with their ideology. We have no business providing funds to an insurgent armed force which engages in acts of terrorism against the innocent people of Nicaragua. We should be promoting opportunities for a negotiated settlement in the region, not continuing to sabotage any possibilities for peace that emerge.

On February 3, I voted against the President's request for more military aid to the Contras, as I have against every other aid package in the past. I stated then that I believed that sending military aid to the Contras would only ensure a continuation of the war in Nicaragua. To pass the President's request would have dealt a death blow to the Central American peace process—a process which has achieved more in 7 months than 7 years of Contra war.

By rejecting the President's request on February 3 for over \$60 million of lethal and so-called nonlethal military aid we sent a clear signal to the Contras that we wanted an end to the bloodshed in Nicaragua. Today we are at another major crossroads in the struggle for peace. I support the Democratic proposal for humanitarian assistance to the children of Nicaragua, to a Nicaraguan Indian community and subsistence aid to the Contras.

I have come to the conclusion after extended soul searching that adoption of the Democratic proposal both as a substitute for the Republican plan and on final passage is absolutely essential to move the peace process forward and to hold off renewed military assistance.

I would like to explain my reasoning especially to those of my colleagues who like myself have consistently opposed aid to the Contras in whatever form.

First and foremost I am convinced that it is morally right to support an action which will save lives. As inconsistent as it may appear to be with prior votes we cast, it is, I believe, absolutely consistent in principle with those earlier votes.

Second, adoption of this proposal will send a clear message to the Contras that military assistance will not be forthcoming from the United States and that the peace negotiations are the only option that can be pursued fruitfully.

Finally, it will send a message to President Reagan that Congress will not any longer permit him the use of American taxpayers' moneys to continue the shedding of Nicaraguan blood.

I think the American people understand and support the Democratic plan. That is why organizations such as these all urge a yes vote: the AFL-CIO, Americans for Democratic Action; the Washington Office on Latin America, Countdown '87, Common Cause, Neighbor to Neighbor, U.S. Catholic Conference, Pax Americas, Lutheran Office for Governmental Affairs, NETWORK: A Catholic Social Justice Lobby, the Presbyterian Church, Jesuit Social Ministries, the Episcopal Church, Friends Committee on National Legislation, Womens Strike for Peace and the Center for International Policy.

The defeat of the President's proposal on February 3 was an important first step in formulating a new U.S. policy toward Nicaragua. However, the vote 219-211 was extremely close and the truth is that the vote simply could not have been won if the Democratic leadership had not promised to offer this alternative humanitarian aid package. I am convinced that if the Democratic alternative is not adopted we will have opened the way for the resumption of military assistance, the full scale resumption of the war and the destruction of the Arias peace process. I do not want that on my conscience and so I will vote yes for the Democratic plan and urge my colleagues to do so.

Mr. EDWARDS of Oklahoma. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Oklahoma [Mr. EDWARDS] has 17½ minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 14 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. DONALD E. LUKENS].

□ 1530

Mr. DONALD E. LUKENS. I thank the gentleman for yielding.

Mr. Chairman, I have been five times to Nicaragua in the last 10 months at my own expense. I just came back 3 days ago from speaking to people in the street, a farmer who hosted a reception of some 700 people who were merely entertaining children having a pinta party. So we distributed toys and clothing that I had brought down.

I was astounded by the reception. They said simply, "Why is it you Americans are willing to help the Russians bring in their Communist tanks and their Communist guns but you are going to cut off the freedom fighters? It is very dangerous to be a friend of the United States throughout the world. The Communists always manage to support their friends, why don't you support yours? We would have no hope for democracy in Nicaragua if it were not for the Contras, the freedom fighters. But you are willing to turn off the American assistance for a group of freedom fighters and not even mention the Russian Communist support." One lady told me that they had not seen tanks inside a year in Managua. The day that this group in the left wing control area of this group voted to cut off the assistance for the freedom fighters, 36 tanks rolled out that night under her window and they have been going back and forth ever since. The only country in Central America with any tanks at all is the Communist government of Nicaragua.

Why do we insist on a one-sided deal? Why do the left wing jump off the cliff to protect the Russian Communists? They are allowed to send tanks, they send guns. You would think that someone somewhere would be embarrassed by the one-sidedness of this deal, the unfairness of people willing to die, who die every day for a little bit of the freedom of which we have so much. This country has grown selfish and self-centered. We have forgotten the price of freedom; Nicaraguans have not.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Democratic plan for assistance to the peace process in Central America.

Enactment of the Democratic plan is a step toward a political solution to the conflict in Central America. A vote for this resolution supports the peace process the Central American nations, themselves, set in motion of August 7, 1987, in signing the Arias peace plan.

The Arias plan is directed at ensuring the right of the people in Central America to freedom, peace, and open

and freely elected self-government. It is directed at freeing the Central American people from overt and covert foreign government involvement, intervention, or interference with their affairs.

And, a vote for this resolution today is a recognition of the failure of the military solution that has been the centerpiece of the Reagan policy on Central America for the past 7 years.

I urge the passage of this resolution.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding.

Mr. Chairman, I have two questions for my colleagues who have opposed aid in the past but who support the Bonior substitute resolution. The first question is how long do we have to wait? In our earlier debates we were told that the only impediment to peace and democracy in Nicaragua was United States aid to the Contras. "Give peace a chance" our colleagues said. And on February 3 the Congress finally removed that impediment by voting to end all Contra aid. Did the Sandinistas respond in good faith by finally democratizing the country? Sadly the answer is no.

If anything they have regressed. Most recently they declared they will no longer be needing the services of Cardinal Obando y Bravo as a mediator. You see, he was becoming a real pest. In his way he had complained that the Sandinistas were no longer negotiating in good faith.

As one of our great civil rights leaders lamented, "How long, oh how long, indeed how long must we wait" for freedom in Nicaragua. It has been over a month now since the Congress removed that supposed impediment to democratization.

How long will it take for some in this body to realize that they have been had, that Daniel Ortega has taken them for suckers and having gotten rid of Contra aid has no intention of granting the freedoms all of us in this body support?

The second question is why this illusory aid package now? How can anyone claim aiding Nicaraguan children puts pressure on Ortega? This does not send any message to Ortega except that he can prevail if he holds out long enough.

In practical terms, it provides virtually nothing, it cannot be delivered and is not what is needed. It is just enough to keep some good people exposed to being killed.

No, Mr. Chairman; better nothing now with the strong expectation of truly meaningful aid later than an illusory conscience-salving political-covering resolution such as that proposed here today.

That is why I will vote no, including no on final passage.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Chairman, although there are probably as many different views over our policy in Central America in Congress as there are Members, I believe the Contra aid package before us today is something all of us should be able to support. It serves the interests of the United States and I hope the cause of freedom in Central America.

If you support the Nicaraguan resistance, this is a positive approach. In addition to the basic assistance it provides, the measure offers everything the Contras themselves say is essential for their survival in the field including a credible delivery system, an expedited vote on Contra aid in June, and communications equipment to enable the Contras to maintain control over their forces. It will give the Contras everything they need to stay alive and continue to put pressure on the Sandinistas to cooperate with the negotiations now underway. Alfredo Cesar of the Nicaraguan Resistance Directorate has confirmed to me in writing that an aid package which contains these essential provisions will assure the integrity and security of the Contras.

If you have not been in agreement with our policy in Central America, this plan should also be acceptable. It does not conflict with the current diplomatic efforts. In my view, it is supportive of those efforts. It certainly does not undermine them.

Needless to say, today's action will not end the debate on Central America in Congress. We will be back on this issue again before the session is adjourned. But it is a good approach under the conditions which now exist.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I think it is great we have a vote out here on Contra aid but I think everybody involved has to realize that the folks giving us this substitute alternative from the Democratic side are the same ones that voted down the aid the last time. We are in the process of trying to come up with some hopeful negotiated results that are favorable to the cause of freedom in Nicaragua. I am not very optimistic about that. I think the signs so far point to what many of us have believed all along, and that is the Sandinistas are truly Communists who are interested only in the power and the long-term interests of the dictatorship that they are fostering, and the suffering of the people in that country that they will sustain as a result of that.

But nonetheless we want to see something happen.

The question today for us, now that we are down here looking at this, is

which package of these two minimal packages is appropriate to provide the carrot and the stick that might bring some progress involved in this. It seems to me that while there may seem to be only minor differences there are some very significant differences.

There is more money in the Republican alternative than there is in the Democratic; there is certainly the hope in the Republican alternative that maybe we will actually be able to sustain these folks inside the country.

I do not believe for one minute that the kind of humanitarian assistance in the Democratic package here today is going to allow the Nicaraguan Contras to stay in the country more than a few weeks, certainly not until June when we may or may not really vote for some additional support for them. It seems to me that when you are going down and talking about who is trying to get us involved militarily down there that the very party that has accused the Republicans of wanting to get us involved, when I have known all along that that is not the case, is finally going to use our Defense Department to deliver the goods. It makes no sense to do that.

Why change the delivery mechanism at this point? Why put the Department of Defense, get them involved in this case?

The real concern I have always had with the entire proposition in Central America is that someday we will desert the Contras, they will have to come out of Nicaragua, they will disperse as refugees somewhere and then we will see the light, that the Communists are really there all of a sudden, they have control over Nicaragua, then for real they are going to spread the revolution to the next-door countries and the American public will demand we do something about it and our only alternative would be to send in the American troops.

I do not want to do that. I do not think the American people want to do that. We do not have to do that. But if we do not provide a stick there is no reason to believe that the carrot is going to work by itself. There is no reason to believe we are going to see Ortega and his crew suddenly come to some terms to provide true freedom and meaning in Nicaragua.

So I urge defeat of the Democratic alternative today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, today I will be voting to send an aid package to the Contras in Central America. My vote today does not stem from any great belief in the Contra forces, for time has shown these forces to be fragmented and unable to pro-

ductively change the course of Nicaraguan politics.

My vote today stems from an institutional acknowledgment of the United States' responsibility for its past and present activities in Nicaragua.

As you are all aware, the Democratic aid package was designed under the assumption that some aid would be sent to the Contras. Thus, the questions for those of us who oppose Contra aid now center on the type and amount of aid, rather than whether or not to send aid at all.

This congressional insistence on spending some amount of aid is a reflection of the fact that the United States has been largely responsible for the creation of the Contra forces. We cannot now simply walk away from them.

The insistence on sending some aid also acknowledges the fact that the United States has a definite interest in maintaining political freedom in Central America. By sending limited aid to the Contras at this time, it can be seen that the United States will not be reluctant to take more substantive action against Nicaragua, should its Government backslide on democratic reforms or attempt to incite Central American revolutions. This is a statement that must be heard in Nicaragua.

At the same time, this particular aid package rejects sending more military aid to the Contra forces in Central America. For we in the Congress have recognized that the time has come for reconciliation, not more fighting.

Finally, this package sends an equal amount of money to both the Contras and to the young victims of the war in Nicaragua. This package then acknowledges the fact that the war in Nicaragua is not an abstract, geopolitical struggle. It is a war in which civilians themselves are targets; in which children lose their lives and limbs. And it is a war in which, like it or not, the United States is involved.

I will vote for this substitute aid package for the Contras, and I encourage my colleagues to do the same.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I have sat and listened to many of the speeches on both sides and I have been intrigued by the change in the way the Central American process has been rephrased. People who have said in the past that the Contras were irregulars, that they were untrustworthy, that they were bandits, that they were Fascists, that they did not deserve one bit of consideration, that they did not deserve a dollar of anything, have now come forth and said, "Look, personally, I don't like them but from a national standpoint maybe we ought to give them this little crumb because we don't want to

look like what we have done in the past has been wrong even though the process has moved forward and people on all sides have admitted that the Contras have had a salutary effect on moving the Sandinistas toward the peace table, toward the minimal, minimal movement toward peace." What has changed? I do not understand. Are there new Contras? Has something come down from heaven, do they have 8,000 new Contras, 9,000 new Contras? The old Contras are gone, the new Contras they should have Kansas Spam and bandages, they should not have bullets though. They should not be given anything that will help them win a war, but we need to do something, we in Congress who voted against Contra aid, not me but a small majority that was able to push it over and say, "Now we have changed our minds, we are in effect a group of nudists who have now decided that some other people ought to have clothes. We do not believe in clothes but somebody ought to have clothes. We don't believe clothes really make the man but we think that is something that we as a Congress ought to move towards." It is disingenuous. It does not have any logic to it. Either the Contras have a beneficial part in moving the Sandinistas toward peace or they do not. I think what we should do, Mr. Speaker, is reject the proposal of the Democratic majority.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, there is an important issue in the Contra aid legislation before us today that involves helping the young victims of the conflict in Nicaragua. But there is an important difference in the measure offered by the majority and the substitute offered by the minority.

I support assisting the children of Central America who are the innocent victims of the fighting there and have spearheaded an effort to bring young victims of land mine explosions in El Salvador to the United States for prosthesis treatment and rehabilitation.

While the contra aid package offered by the Democrats before us for consideration recognizes the problems faced by the wounded children of Nicaragua and provides for a program to assist these youngsters, that package fails to include injured children in El Salvador.

Members of the House have the opportunity to help the children in both Nicaragua and El Salvador by supporting the Republican substitute which includes provision for a humanitarian assistance program to aid maimed children throughout Central America.

The young people of both Nicaragua and El Salvador need our help and I urge your vote for the Republican substitute legislation which would provide assistance to these innocent children.

□ 1545

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, the Republican plan before us today is clear. It could perpetuate the killing and violence in Central America in an effort to overthrow the Sandinista government, but the Democratic plan actually strikes a Faustian bargain, a bargain which says, if we will provide crutches and bandages for the infant victims of the bloody war we have perpetuated in Nicaragua, we can in return provide so-called humanitarian assistance to the Contras.

The object of the Democratic plan is to cut off the arms to the Contras in Nicaragua, but it is questionable. We have seen clearly that this administration would violate U.S. law and international law and entangle our allies in an effort to provide arms in the bloody struggle in that country. But if in fact arms are cut off, where will the \$14 million in humanitarian assistance to the Contras go. It will go to keep the Contras clothed, comfortable, and poised to return to armed conflict. In the name of the people, we would garrison the Contra terrorists until President Reagan can rally enough votes to resume military aid. And rally they will. Let us not believe for 1 second that the bully boys on the right will have their blood lust for a war in Nicaragua sated by this measure. We will be back, as we have been time and time again, to vote on Ronald Reagan's plan to send lethal aid to this country.

This side of the aisle, which has consistently mocked the chimera of humanitarian assistance, will have to explain this unfortunate proposal we vote on today.

Mr. Chairman, I will vote no on final passage if either the Democratic or Republican alternative is presented. The tangled web we weave today will come back to haunt us.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, let me say to my colleagues that there are three practical problems with the mechanism of the Democratic alternative. The faults with the mechanism are so significant that they will lead us into major policy errors.

For example, the aid to the children is a good idea, but it is going to be sent down not through AID but through nongovernment voluntary organizations in Nicaragua. Who are those voluntary nongovernment organizations? Are they going to be the Sandinista unions, or are they going to be the free unions? Are they going to be the church that supports the government?

Are they going to be the free Catholic Church or the Protestant churches? In fact, we run the danger of using American tax dollars to strengthen the power of the Sandinista government that hardly any Member of this body says is governing in the interest of the Nicaraguan people.

Let us look at the humanitarian assistance to the Contras. It will go down through a mechanism that is so cumbersome that it will not arrive for weeks and possibly months because new staff will have to be hired in this body before a dollar of that aid can flow. It is a long process, hiring and training staff.

Last, let us look at the trigger. The only thing that started those negotiations was the threat carried out by Members of this body that military aid would come if negotiations did not start. It has been only that trigger, and we can see from the stalled negotiations and the failure of the process in intervening weeks that the threat of the possibility of military aid is essential to progress in negotiations. The Democrats' trigger that will bring another vote is such a weak trigger that it will not work. It will not require the Senate to act even if it is cumbersome mechanism results in House action. Only the Republican alternative and its expedited procedures replace that trigger.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, let me say to my friends that the gentleman from Michigan [Mr. CROCKETT] and I have voted in the last 7 years against every issue affecting the Contras because we believe it is illegal and immoral to provide any kind of aid. We did not invite them to invade Nicaragua, and, therefore, we believe we do not have any obligation to them.

I do not know of any issue in the last 7 years which has divided the Congressional Black Caucus as this issue, because many Members believe, unjustifiably so, that the Contras are not entitled to any kind of aid.

During the last recess I learned through news reports that the Democratic leadership was putting a package together. My diligent staff got in touch with the Nicaraguan network, and we began working on a counterproposal. In fact, I introduced legislation to that effect. Basically, we were saying that the aid should not be administered through CIA but some other agency. The result was that I hope it influenced the final package.

But even at that, I was still opposed to any Contra aid in principle and in practice. But considering the alternative, which I anticipate may be \$100 million in arms, considering the fact that even some of the Contras and the Sandinistas believe that this Democratic alternative will expedite the

peace process, I have decided to vote for the Democratic package. I do so fully aware of the fact that yesterday Ortega, as I anticipated, made in terms of public relations a bad move by easing out the Cardinal. But let me say that that might be a blessing in disguise—pardon the pun—because the Contras and Sandinistas will have direct, face-to-face negotiations on their soil, and I am willing to concede that the Sandinistas are entitled to some space in Nicaragua.

So, Mr. Chairman, for all these reasons, I am voting aye on the Democratic alternative.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, 4 weeks ago a majority of the House, including me, voted against the Republican Contra aid package. Today, strangely, we are voting on a Democratic Contra aid package. That curious turn of events raises a number of questions.

Are the Democratic Contras different people from the Republican Contras? Do the Democratic Contras have fewer Somocistas in their ranks than the Republican Contras? Have the Democratic Contras done a better job than the Republican Contras of winning the hearts and the minds of the Nicaraguan people?

Is nonlethal aid to the Democratic Contras any less likely to free up money for weapons purchase than nonlethal aid to the Republican Contras?

In the last 4 weeks has there been any change in the Arias peace plan which opposes outside aid to rebel groups in Central America?

Mr. Chairman, the answer to all those questions is, plainly, "no," and, therefore, "no" is how I shall vote on the Democratic Contra aid package.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Chairman, on February 3, along with a majority of my colleagues, I voted "no" on the Contra aid package for the purpose of ending the military approach to working for peace and democracy in Central America and in support of moving toward a humanitarian and negotiated approach to advancing our values and our concerns throughout Central America.

Today I will vote yes for the Democratic package as the best alternative for advancing those goals. I had hoped, as many of my colleagues did at that time, that we would be able to move directly from our vote on February 3 to a fully humanitarian approach based on a cease-fire, but it is far preferable to move by steps in that direction than to move back to the military option. And let no one have any doubt, if the Democratic package

does not prevail and it is instead the Republican package which is passed, we will be back on the track to military support for the Contras, military support immediately in terms of so-called nonlethal aid, and an immediate vote in a few short weeks on full military support of the Contras.

The package put together by the Democratic leadership is one which is far preferable. It has true humanitarian aid. It has incentives for a cease-fire that will move both parties to get advantages out of a negotiated cease-fire, and it has important restrictions on the release or shipment of any military supplies currently in stockpiles that would otherwise be available to the Contras or that might come from third parties.

Mr. Chairman, the package is not ideal, but few of our choices are. Ending the military approach in Central America is the essence of the Arias peace plan. The Democratic plan is the preferable way to move in support of that peace plan.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, we have heard so much today about cutting off American military assistance to those fighting the Sandinista Communist government in Nicaragua. I, for the life of me, cannot understand why we have heard nothing from those opposing aid to the resistance about cutting off Soviet military aid to the Communists. Where has there been one word from the Democrats on the floor today about a parallel, a balanced cutoff?

Costa Rican President Oscar Arias, after the February 3, Contra aid cutoff vote, has said, "Now that aid has been cut to the Contras, we must also ask the Soviets as well as the Cubans and all those who have been supporting the guerrillas in El Salvador and Guatemala to cut that aid."

We haven't heard a word from the Democrats about that today.

We know that last year the Soviets sent in 600 million dollars' worth of military equipment and supplies and that overall, 2.5 billion dollars' worth of Soviet military aid has gone in to boost the Communist government in Nicaragua. Why are our Democratic colleagues not denouncing Soviet military assistance to Communists, only ours to a democratic resistance? Why are they not calling for a balanced cutoff in military supplies to both sides, why only ours?

My Colleagues, this year is the 50th anniversary of the infamous Munich agreement when Neville Chamberlain came back from his disastrous discussions with Hitler and proclaimed "peace for our time." Shortly thereafter, Hitler, his appetite whetted by ap-

peasement, dragged the world into war. What a 50-year commemoration we have before us!

The Democratic Party's answer is to create a new stream of well-fed refugees. Give them beans but no bullets.

Their answer is to turn over the assistance program to American military personnel.

The Democratic proposal accepts a Soviet client state on the mainland of this hemisphere.

The Democratic proposal commits the United States to "take appropriate military action if Nicaragua takes offensive military action against its neighbors or obtains a military capacity that directly threatens the United States." That's just great; they want to get our boys involved in a war that Nicaraguans who seek freedom are being kept from fighting. What logic! And when does that happen? Everyone knows the Sandinistas are helping Communist insurgents right now undermine elected governments in El Salvador and Guatemala.

I say we defeat this turkey, this "cellophane fig leaf," according to Representative HENRY HYDE, and stand up once again for peace and freedom.

□ 1600

Mr. OBEY. Mr. Chairman, I yield myself 1 minute for the purpose of responding to two comments that have been made.

The first comment, and a very good point, was raised by the gentleman from Virginia [Mr. WOLF] who raised concerns about the necessity and the wisdom of our providing additional humanitarian aid for children in El Salvador, not just Nicaragua.

I agree that we ought to be doing that, and the fact is that we are. The fact is that right now we are providing, through AID, programs assistance to help kids who have stepped on land mines, who have lost arms, who have lost legs and who need prosthetic assistance. Part of the reason for that is the gentleman from Virginia brought the attention of the Congress to the need to do that over a year ago.

The second point I would make is that through the aid program we provide in El Salvador, we have rebuilt the Children's Hospital in El Salvador. We have committed a substantial amount of money under the Earthquake Relief Program to do just that, and I think we ought to remember that in considering this package.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I voted against the Contra funding proposal presented to the Congress by the administration 2 weeks ago, I rise in support of the proposal submitted by Mr. MICHEL and against the substitute proposed by Mr. FOLEY. The previous ad-

ministration proposal failed, in my opinion, in two critical areas: First, it did not sufficiently guarantee against a comingling of lethal and nonlethal aid; and second, it did not allow for the guarantee of a clean vote on the subsequent possible release of lethal aid should the administration, in its judgment, find such a request necessary.

The Michel proposal clearly rectifies those problems. Further, Mr. MICHEL has made extraordinary efforts to bridge the partisan gulf which has undermined our search for coherence and consistency in regard to this issue. He was, as the Speaker is well aware, willing to go even further in this regard. Unfortunately, his efforts to reach out still further to the other side were ultimately rejected by the Democratic leadership. But the fact remains that the Michel proposal does address the shortcomings of the administration proposal, does allow the peace process an opportunity to work its will, and does move toward a broader, bipartisan base of support for our policy in Central America than does the Democrat alternative.

The Michel initiative is consistent with those who wish to first test the attempts to diplomatically resolve the issues in dispute in Central America. And it is also honest in recognizing the fact that once the Sandinista regime has been so tested, the Congress must allow the President an opportunity to put to the Congress the question as to whether or not the Sandinista regime has passed the test.

Mr. Chairman, Congress has the right to reject administration policy. Congress has the right to give advice and consent—or to withhold it—on matters of policy. But it does not have the right to conduct its own foreign policy, separate and independently of the executive branch. And that is exactly what your proposal seeks to do.

The Foley substitute would create a two-headed monster, with the executive and legislative each seeking to conduct their own independent foreign policies. Rather than moving us toward consensus and bipartisan agreement, it further divides us. Rather than exercising the Constitution's "balance of powers," it suspends the Constitution and seeks to bifurcate legislative and executive policy.

I urge rejection of the Foley substitute, and urge approval of the Michel bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Chairman, I rise in support of the substitute before the House.

I was privileged to serve on the task force that drafted the proposal. From the beginning, I asked myself several questions.

1. Is it consistent with the peace plan supported by the Central American Presidents?

According to President Arias, it is. New military aid is not included, nor is delivery of stockpiled military aid.

Does it make a cease-fire more likely? I believe the answer is clear. The answer is yes. There is enough aid to sustain the Contras during negotiations. There is not aid to expand the war.

Is it fair to the Contras? If they want a cease-fire, it is. It provides food, shelter, clothing and medicine. It provides a credible delivery system. It provides for some communications which will help in organizing a cease-fire. It provides a procedure to assess the situation again in June.

But, Mr. Chairman, the hard fact is this. There is no consensus to terminate Contra funding, but there is no consensus, either, to continue this war.

Today with this proposal we are trying to chart a different course. We are trying to promote negotiations. We are trying to promote a cease-fire. We are trying to challenge all parties to seek a political solution.

The Contras say they want a cease-fire. The Sandinistas say also that they want a cease-fire. By voting "yes" we put them both to the test. By voting yes, we begin to seek a new consensus for peace, for democracy, and for hope for Central America.

Mr. OBEY. Mr. Chairman, I yield myself the final 30 seconds.

Mr. Chairman, I simply urge Members to vote for the Bonior amendment when it is offered after the next speaker.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield the final 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I have come across an interesting book written by Robert Pastor, who served on the National Security Council under President Carter and was intimately involved in the affair in Nicaragua where we lost Nicaragua to the Communists. I would like to quote from his fascinating book, "Condemned to Repetition." It is a brandnew book. He says at page 156:

If Nicaraguan history contained any lessons, the key issue would be who had the guns?

Now, Mr. Pastor, who learned the hard way under President Carter about a Communist takeover of a country, is telling us something. In Nicaraguan history, the key question is, who had the guns?

This proposal of the Speaker is unilateral disarmament. It is designed and crafted to foreclose not only any military aid now, but to prevent a future vote on military aid.

What it amounts to is surrender on the installment plan. It is a search for

the lowest common denominator on the left to protect themselves from the charge that they have lost Central America to communism.

Mr. GUNDERSON. Mr. Chairman, today, for the 16th time since December 1982, the House of Representatives will reexamine United States policy toward Central America. Whatever the outcome of the votes today, let us hope that the Congress and the American people will grow to realize that this endless process, with no prospects for consensus among Americans in sight, damages the effectiveness of American foreign policy in the Western Hemisphere, and inhibits the development of peace, freedom, and democracy in Central America.

The Democratic leadership's aid package to a number of groups in Nicaragua totals \$30.8 million, to last through June. Just over \$14 million is for food, clothing, medicine, shelter, and transport for the Nicaraguan democratic resistance. An identical amount is targeted to Nicaraguan children who have become victims of the war. The package also provides \$1.4 million for the Indian resistance forces.

There is nothing wrong with these numbers. In fact, the substitute offered by Minority Leader ROBERT MICHEL proposes similar funding levels—\$22.3 million for the democratic resistance, with \$450,000 earmarked for human rights protection activities, and \$14 million for medical aid for children injured in wars throughout Central America.

There are other similarities. Both packages prohibit the delivery of previously acquired lethal assistance, although the Michel plan allows the exceptions of trucks and other logistical gear. Both proposals adhere to the same policy objectives—the fulfillment of the Arias peace plan, and the end of Soviet bloc military influence in Nicaragua.

The problems with the Democratic leadership's aid package are in the details—and these are disastrous details. Their package would change the entire character of United States involvement in Central America, by shifting authority to deliver the aid from the Central Intelligence Agency to the U.S. Armed Forces. In this gesture, the Democrats would do what we have tried to avoid doing for 8 years—that is, involve American military personnel in the Nicaraguan conflict.

What's more, the language of their proposal is such that funding for medical aid to Nicaraguan children must go through the Sandinista regime. The Democrats' package provides \$14 million in U.S. dollars for children's aid, rather than in medical supplies. The money cannot be exchanged into Nicaraguan currency other than through the government. It is extremely naive to expect the Sandinistas, famous for secret Swiss bank accounts, to treat this money with integrity.

Finally, the Democrats' aid proposal does not provide adequate safeguards in the event the Sandinistas renege on the terms of the Arias peace plan. Under the plan, should a cease-fire not be in place by June 1, and the House Intelligence Committee decides that the Sandinistas are at fault, the House majority leader can propose additional aid to the Contras. Not only does this block out the President from any part of the policymaking process, which raises constitutional questions,

but it effectively insulates the Sandinistas from any further concerns of a threat from the Nicaraguan resistance.

The Michel aid package is more responsible in these respects. Authority to deliver aid to the resistance is retained with the CIA. The President correctly controls the timing of further requests for aid; anytime after April 15 he may submit another request. If the cease-fire process in Nicaragua fails due to the Sandinistas, the House must vote on the President's request within 16 days of such a finding. What's more, the Michel aid package does not entrust funds intended for Nicaraguan children into the hands of Daniel Ortega; it offers medical supplies, rather than money for that purpose.

A thorough examination of the two assistance packages, while similar at first glance, reveals such striking differences that they demand our rejection of the Democrats' package and our support for the Michel proposal.

And thousand of miles to our south, the conflict in Nicaragua continues. Daniel Ortega today removed Cardinal Miguel Obando y Bravo, the most credible voice for peace in Nicaragua, as the mediator in the Sandinista-*Contra* cease-fire talks. Mr. Ortega also dissolved his Ministry of Justice, turning over its functions to the Ministry of the Interior, led by Tomas Borge, a known advocate of torture. Two high officials of the Nicaraguan government defected in Geneva, because, according to their statement, they could no longer stomach the torture, lying, and corruption of the Sandinista regime.

Yet here in Congress, the Democratic leadership would put forward a flawed, toothless package, in spite of the events of the past 48 hours and with little regard to the consequences of their proposal. Should their package pass, I hope my objections turn out to be ill-founded, and that American military personnel do not find themselves in crisis situations. For the Nicaraguans' sake, I hope the package contributes to the cease-fire process, and that the Sandinistas do not attempt to siphon off funds for children's medical supplies for their own bank accounts. But given all that has transpired over the years, I fear the opposite will occur.

Mr. LOWERY of California. Mr. Chairman, I want to express my support for an aid package for the Nicaraguan resistance that will contribute to the achievement of real peace in Nicaragua. Only the aid package proposed by the Republican leadership will meet this goal.

The Sandinista Junta has demonstrated that it will permit greater freedom for its domestic political opposition only when faced with the prospect of continued military pressure from the resistance. Disarming the resistance now will end the chance for any permanent political reform in Nicaragua. The Democratic aid proposal would essentially turn the resistance from a viable fighting force into a refugee group. It would certainly remove the incentive for the Sandinistas to continue their negotiations with the resistance.

Mr. Chairman, since taking power in 1979, the Sandinistas have followed a pattern of denying rights to the Nicaraguan people, while making promises to restore these rights. They did not begin to live up to the latest promises made in the context of the Guatemala Agree-

ment until it was apparent they would be faced with continued opposition from the Nicaraguan resistance.

The Democratic aid package is a thinly disguised attempt to eliminate the Nicaraguan resistance. The Republican alternative would provide real support for the resistance to remain in the field while negotiations proceed. The cause of peace will not be served by turning the resistance into refugees. We must support them until a negotiated agreement for peace in Nicaragua is fully in place.

Mr. GALLO. Mr. Chairman, as we debate the Foley resolution, being billed as humanitarian aid for the Nicaraguan freedom fighters, I think we owe it to the American people to fully explore the implications of this resolution, as it was authored by members of the majority party in this body.

As I read this legislation, it is, quite frankly, a blueprint for disaster.

First of all, the Foley resolution gives the responsibility for delivering this humanitarian aid to the U.S. Department of Defense.

The Armed Forces, who are trained to defend our country at times of national emergency, are being ordered to assume the role of messengers into the Central American region.

They are neither prepared nor equipped to undertake this role and to assume this responsibility under the conflicting terms of this legislation.

Second, the Foley resolution shifts the responsibility for determining our foreign policy with regard to Central America from the State Department to the Intelligence Committees of the House and Senate. Our Constitution mandates that the executive branch is responsible for development of our foreign policy. By placing the judgment for determining whether or not a cease fire has been agreed to on or before June 1, we are setting a dangerous precedent and raising the possibility that the courts will find this law to be unconstitutional under the separation of powers provisions.

Clearly, the President and those of us today who plan to vote on the Foley resolution want to see aid continue in the region, because we believe that a well-equipped force of freedom fighters will prevent the need for U.S. military involvement in the region.

We want aid now, including aid to treat injured children in the region. We also want the commitment of our colleagues to include in this measure an expedited, constitutionally sound procedure for resumption of lethal aid if the peace process fails.

Why do we want this assurance? Because there are deeply disturbing signs from the region that our failure to pass an aid bill earlier this month is having all of the negative results that we expressed during debate on that earlier aid package.

The Ortega government has undermined the positive work being done by the internationally recognized mediator, Cardinal Obando y Bravo, and has moved its defense minister, who is also Daniel Ortega's brother, into a position of responsibility within the negotiating process.

Just today, the Ortega government abolished the Nicaraguan Department of Justice

and placed the powers for enforcement and due process in the hands of the military.

Based on past experience, I think it is safe to assume that Mr. Ortega's actions are just the beginning and that there is much more to follow in the way of underhandedness in Sandinista foreign policy and Sandinista repression within Nicaragua.

The Foley resolution, taken in context, is a slap in the face of the Arias peace plan and is truly a blueprint for disaster.

If this resolution becomes law, the responsibility for the consequences will fall completely on those who supported it.

I urge my colleagues to vote "no" on the Foley resolution and to support the Michel resolution, if it is allowed to come up for a vote today.

The CHAIRMAN. All time has expired for general debate. Pursuant to the rule, the joint resolution is considered as having been read for amendment under the 5-minute rule.

The text of the joint resolution is as follows:

H.J. RES. 484

A Joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. POLICY.

(a) GENERAL POLICY.—It is the policy of the United States in implementing this Act to advance democracy and security in Central America, and thereby to assist in bringing a just and lasting peace to that region, in a manner compatible with the Guatemala Peace Accord of August 7, 1987 and the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and consistent with the national security interests of the United States.

(b) SPECIFIC POLICY OBJECTIVE.—In pursuing the policy set forth in subsection (a), it is the objective of the United States to enhance its security as well as that of the democratic countries of Central America by assisting in the achievement of—

- (1) genuine democracy in Nicaragua;
- (2) an end to Soviet, Cuban, and other Communist bloc military or security assistance to, advisers in, and establishment or use of bases in, Nicaragua;
- (3) an end to Nicaraguan aggression and subversion against other countries in Central America; and
- (4) reduction of the military and security forces of Nicaragua to a level consistent with the security of other countries in the region.

SEC. 102. TRANSFER OF PRIOR DEFENSE APPROPRIATIONS FOR ASSISTANCE.

(a) TRANSFER AND USE.—There are hereby transferred to the President \$22,250,000 of unobligated funds, from the appropriations accounts specified in section 105, to provide non-lethal assistance for the Nicaraguan democratic resistance, to remain available until expended.

(b) EARMARK FOR HUMAN RIGHTS.—Of the funds transferred by subsection (a), \$450,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

(c) PROHIBITION ON PURCHASE OF AIRCRAFT.—Funds transferred by subsection (a) may not be obligated or expended to purchase aircraft.

(d) INDEMNIFICATION OF LEASED AIRCRAFT.—(1) The President is authorized to transfer unobligated funds, from the appropriations accounts specified in section 105, solely for the indemnification of aircraft leased to transport assistance for which this Act provides and non-lethal assistance previously, specifically authorized by law for the Nicaraguan democratic resistance.

(2) Not more than \$5,000,000 may be transferred under the authority granted by paragraph (1).

(3) The President shall transfer the balance, if any, remaining of funds transferred under paragraph (1) to the appropriations accounts from which such funds were transferred under the paragraph when the funds transferred by subsection (a) have been expended.

(e) PASSIVE AIR DEFENSE EQUIPMENT.—(1) The Department of Defense shall make available to the department or agency administering this Act passive air defense equipment (including ground-based radio detection and ranging equipment) to ensure the safety of transportation provided pursuant to this Act.

(2) The Department of Defense shall not charge the department or agency receiving equipment under paragraph (1) for such equipment, and shall bear the risk of loss, damage, or deterioration of such equipment during the period of its use under the authority of paragraph (1).

SEC. 103. PROHIBITION ON DELIVERY OF LETHAL ASSISTANCE.

None of the funds made available by this Act may be used to deliver lethal assistance to the Nicaraguan democratic resistance.

SEC. 104. GENERAL AUTHORITIES AND LIMITATIONS.

(a) RELATED STATUTES.—The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178), section 8144 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use consistent with this Act of the funds made available by section 102(a) and (d), and the transfer and use of equipment as provided in section 102(e).

(b) CONTINUATION OF AUTHORITY TO SUPPORT, MONITOR, AND MANAGE.—The authority to support, monitor and manage activities for which funds are provided under this Act or a law which previously, specifically authorized assistance to the Nicaraguan democratic resistance shall continue until the funds transferred by section 102(a) have been expended.

(c) CONTINUATION OF LIMITATIONS.—Sections 203(e), 204(b), 207, 209(b), 209(c) and 216, and the first sentence of section 203(d), in "TITLE II—CENTRAL AMERICA" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Law 99-500 and 99-591), shall apply with respect to funds made available under this Act.

SEC. 105. DEFENSE APPROPRIATIONS ACCOUNTS.

The appropriations accounts to which sections 102(a) and 102(d) refer are—

(1) Missile Procurement, Army, Department of Defense Appropriations Act, 1986,

as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) Aircraft Procurement, Army, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(3) Shipbuilding and Conversion, Navy, Department of Defense Appropriations Act, 1984 (Public Law 98-212); and

(4) Missile Procurement, Air Force, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190).

SEC. 106. MEDICAL ASSISTANCE FOR CHILDREN.

(a) The Agency for International Development is authorized and directed to provide, or to arrange for the provision of, medical assistance to children injured in the conflicts in Central America.

(b) There are hereby transferred to the President \$14,000,000 of unobligated funds, from the appropriations accounts specified in section 105, to carry out subsection (a) during the fiscal year 1988, notwithstanding section 10 of Public Law 91-672 (relating to authorization of appropriations for foreign assistance).

SEC. 107. FUTURE REQUEST FOR AID FOR THE RESISTANCE.

(a) The amendments made by subsection (b) shall not take effect until the day the President determines and certifies, after April 15, 1988, to the Speaker of the House of Representatives and the President of the Senate that—

(1) at the time of such certification no ceasefire is in place that was agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance;

(2) the failure to achieve the ceasefire described in paragraph (1) results from the lack of good faith efforts by the Government of Nicaragua to comply with the requirements of the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988; and

(3) the Nicaraguan democratic resistance has engaged in good faith efforts to achieve the ceasefire described in paragraph (1).

(b) Effective on the day specified by subsection (a), Section 111 of the joint resolution making continuing appropriations for the fiscal year 1988 (Public Law 100-202) is amended—

(1) in section 111(j)(2), by striking "Only if a joint resolution approving a request made pursuant to subsection (j)(1) has been enacted into law, the" and inserting in lieu thereof "The";

(2) in section 111(j)(11), by inserting the period after "session" and striking ", except that it shall not be in order to consider such joint resolution prior to July 1, 1988.";

(3) in section 111(j)(12), by striking "September 30, 1988" and inserting in lieu thereof "the end of sixteen days of session after the resolution was introduced";

(4) in section 111(1)(3)(A), by striking "in July, August or September 1988";

(5) in section 111(1)(3)(E), by striking "September 30, 1988" and inserting in lieu thereof "of the day which is seventeen days of session after the resolution was introduced".

SEC. 108. DEFINITIONS.

As used in this Act—

(1) the term "lethal assistance" means weapons, weapon systems, and ammunition; and

(2) the term "non-lethal assistance" means assistance other than lethal assistance.

The CHAIRMAN. No amendments to the joint resolution are in order except the amendment printed in section 2 of House Report 100-507 by, and if offered by, Representative FOLEY, or his designee. Said amendment is considered as having been read, is not subject to amendment, and is debatable for 60 minutes, equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. BONIOR OF MICHIGAN

Mr. BONIOR of Michigan. Mr. Chairman, as the designee of the gentleman from Washington [Mr. FOLEY], I offer an amendment in the nature of a substitute, printed in section 2 of the report of the Committee on Rules accompanying House Resolution 390.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BONIOR of Michigan:

Strike all after the resolving clause and insert in lieu thereof:

SEC. 1. GENERAL POLICY.—It is the policy of the United States to advance peace and democracy in Central America, and to preserve and protect its own security interests in the region. Pursuant to that policy, it is the purpose of this joint resolution to assist in bringing peace and democracy to Central America, in a manner compatible with the Guatemala Peace Accord of August 7, 1987 and the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and consistent with the national security interests of the United States.

SEC. 2. POLICY TOWARD NICARAGUA.—United States policy toward Nicaragua should include the following:

(1) a commitment to preserving the security of the United States and its allies by preventing the Soviet Union and its allies from developing or deploying an offensive military capability in Central America that directly threatens the United States or its allies;

(2) a commitment to protect the security and territorial integrity of any nation of Central America in conformance with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance, which provide for collective action; and

(3) a commitment to take appropriate military action if Nicaragua takes offensive military action against its neighbors or obtains a military capacity that directly threatens the United States.

SEC. 3. NEGOTIATIONS.—The Congress urges the President forthwith to pursue bilateral negotiations with the Government of Nicaragua on matters affecting the national security interests of the United States, and to pursue multilateral negotiations with the Central American nations on matters affecting the security of the Central American region.

SEC. 4. PURPOSE OF ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE.—(a) CONGRESSIONAL INTENT.—It is the intention of Congress in providing additional assistance to the Nicaraguan democratic resistance to reinforce the Central American peace process by supporting negotiations leading to a negotiated ceasefire agreement. Such an agreement is seen by the Congress as an essential step towards the establishment of peace and democracy in Nicaragua. The Congress provides assistance under this section with the understanding and strong expectation that the Government of Nicaragua and the Nicaraguan democratic resistance will cease offensive military activities and engage in good faith negotiations towards a ceasefire.

(b) TRANSFER AND USE.—There are hereby transferred to the President \$16,000,000 of unobligated funds from the appropriations accounts specified in Section 8 to provide assistance for the Nicaraguan democratic resistance, to remain available consistent with this joint resolution through June 30, 1988.

(c) DESCRIPTION OF ASSISTANCE ALLOWED.—(1) As used in this section, "assistance" means only food, clothing, shelter, medical services, medical supplies, and payment for such items or services, as well as transportation of such items or services or identical items or services previously, specifically authorized by law for the Nicaraguan democratic resistance.

(2) The term "assistance" under this section may also include not to exceed \$1,000,000 for the purchase and transportation of communications equipment, of which \$750,000 shall be available only if, at any time prior to July 1, 1988, a ceasefire is agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance.

(d) LIMITATION.—The average amount expended each month for purchasing food, clothing, shelter, medical services, medical supplies provided under subsection (b), and section 5(a) (if applicable), shall not exceed the average monthly amount expended for purchasing such items and services pursuant to section 111(a) of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202).

(e) PROHIBITIONS.—(1) Funds transferred by subsection (b), and section 5(a) (if applicable), may not be obligated or expended to purchase aircraft or to purchase or transport weapons, weapons systems or ammunition or any other item or service not permitted under subsection (c).

(2) No item or service authorized by "Title II—Central America" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591) or section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202), other than an item or service described in subsection (c), may be provided to the Nicaraguan democratic resistance after February 29, 1988.

(3) Transportation provided under this joint resolution for the delivery of items or services described in subsection (c) may not also be used to deliver any other items or services for the Nicaraguan democratic resistance.

(f) DELIVERY OF ASSISTANCE.—(1) If, at any time prior to July 1, 1988, a cessation of hostilities is reached between the Government of Nicaragua and the Nicaraguan democratic resistance, the unobligated balance of funds described in subsection (b) shall be transferred as expeditiously as possible to

the Agency for International Development which shall make such funds available to the International Committee of the Red Cross or non-political private and voluntary organizations or international relief organizations recommended by the mediator in the ceasefire talks between the Government of Nicaragua and the Nicaraguan democratic resistance, in order to provide assistance in accordance with subsection (c).

(2) Unless section 5(c) applies if the Administrator of the Agency for International Development certifies to Congress that he is unable to obtain a commitment from the International Committee of the Red Cross or any such organization to provide such assistance, the provisions of this subsection shall not apply.

(g) ASSISTANCE FOR YATAMA AND THE NICARAGUAN RESISTANCE, SOUTHERN FRONT.—(1) In order to support efforts by all elements of the Nicaraguan democratic resistance to reach a negotiated ceasefire with the Government of Nicaragua, of the funds transferred by subsection (b), assistance in the amount of \$1,440,000 shall be provided only to the Indian resistance force known as Yatama, and assistance in the amount of \$3,200,000 shall be provided only to the Nicaraguan Resistance, Southern Front.

(2) Assistance under this subsection for Yatama shall be administered by the Agency for International Development, which shall ensure that such assistance is provided through the International Committee of the Red Cross or other non-political private and voluntary organizations or international relief organizations.

(3) The requirements of this subsection with respect to Yatama shall cease to apply if Yatama is unwilling to cease hostilities and negotiate a ceasefire with the Government of Nicaragua.

SEC. 5. CEASEFIRE ASSISTANCE.—(a) CEASEFIRE AGREEMENT.—If, at any time prior to July 1, 1988, a ceasefire is agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance, assistance to the Nicaraguan democratic resistance shall be continued beginning July 1, 1988, through December 31, 1988, but only for the duration of an agreed upon ceasefire: *Provided*, That such assistance shall be only assistance as described in section 4(c) and at a rate of obligation not to exceed \$4,000,000 per month, of which (1) \$360,000 per month shall be provided to Yatama in accordance with section 4(g)(2), subject to section 4(g)(3) of that section, and (2) \$800,000 shall be provided to the Nicaraguan Resistance, Southern Front: *Provided further*, That funds for the assistance described in this section shall be transferred to the Agency for International Development from unobligated funds from the appropriations accounts described in Section 8.

(b) METHOD OF DELIVERY.—Assistance described in this section may be provided only through the Agency for International Development to the International Committee of the Red Cross, or other non-political private and voluntary organizations or international relief organizations and only consistent with the terms of the ceasefire agreement.

(c) ADMINISTRATION OF CEASEFIRE ASSISTANCE.—Immediately after a ceasefire referred to in this section has been agreed to, the unobligated balance of funds transferred under section 4(b) shall be transferred to the Agency for International Development for the administering of assistance to the Nicaraguan democratic resistance provided by this section.

SEC. 6. DEPARTMENT OF DEFENSE.—(a) DIRECTION AND MANAGEMENT.—The Department of Defense shall be responsible for the direction, management, and delivery of the assistance authorized by this joint resolution, other than the assistance required to be administered by the Agency for International Development. The Secretary of Defense shall establish a separate office within the Department which shall be responsible only for implementation of the responsibilities and authorities of the Department under this section.

(b) CONTRACTS.—In order to perform those functions relating to the delivery of assistance to the Nicaraguan democratic resistance which were performed pursuant to contract under section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202), the Department of Defense shall, with respect to the delivery of assistance under this joint resolution, enter into contracts with the same nongovernmental persons who performed those functions under that section or with other appropriate nongovernmental persons.

(c) AUTHORITIES.—In carrying out its responsibilities under this section, the Department of Defense may exercise the same authorities, including authorities relating to procurement and expenditure of Government funds, as the agency administering the assistance provided pursuant to section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202) could exercise with respect to the provision of that assistance.

(d) ACCOUNTABILITY STANDARDS, PROCEDURES, AND CONTROLS.—In implementing this section, the Department of Defense shall adopt standards, procedures, and controls for the accountability of funds comparable to those applicable with respect to the assistance for the Nicaraguan democratic resistance provided under section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202).

(e) INTERAGENCY COOPERATION.—All Government agencies shall cooperate with the Department of Defense to ensure the orderly, effective direction, management, and delivery by the Department of assistance for the Nicaraguan democratic resistance. Such cooperation shall include—

(1) detailing to the Department, on a reimbursable basis, such personnel as the Department may request; and

(2) making available for use by the Department, on a nonreimbursable basis, such logistics equipment as was purchased in implementing the programs of assistance for the Nicaraguan democratic resistance authorized by section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202) or "Title II—Central America" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591).

(f) LIMITATION.—The Central Intelligence Agency shall not be responsible for the direction, management, or delivery of any assistance to the Nicaraguan democratic resistance under this joint resolution.

(g) INDEMNIFICATION OF AIRCRAFT.—(1) Funds in the same amount previously transferred pursuant to section 111(d) of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202) for the indemnification of leased aircraft shall be transferred

to the President and be available for the same purpose through June 30, 1988.

(2) On July 1, 1988, the President shall transfer the balance, if any, of remaining funds described in paragraph (1) to the accounts from which such funds were transferred.

(h) PASSIVE AIR DEFENSE EQUIPMENT.—(1) The Department of Defense shall make available passive air defense equipment (including ground-based radio detection and ranging equipment) to ensure the safety of transportation of assistance provided under this joint resolution through the Department of Defense.

(2) Funds transferred under section 4(b) shall not be charged for such equipment, and the Department of Defense shall bear the risk of loss, damage, or deterioration of such equipment during the period of its use under the authority of paragraph (1).

SEC. 7. GENERAL AUTHORITIES AND LIMITATIONS.—(a) **REQUIREMENTS DEEMED SATISFIED.**—The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178), section 8144 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use consistent with the provisions of this joint resolution of the funds made available, and transfer and use of equipment, as provided in this joint resolution.

(b) CONTINUATION OF AUTHORITY TO SUPPORT, MONITOR, AND MANAGE.—Authority to support, monitor and manage activities for which funds are provided by this joint resolution shall continue with respect to the Agency for International Development, for as long as the funds being administered by that Agency remain available and, with respect to other elements of the United States Government (to the extent consistent with section 6), through June 30, 1988.

(c) CONTINUATION OF LIMITATIONS.—Sections 203(e), 204(b), 207, 209(b), 209(c), and 216 in "Title II—Central America" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591), shall apply with respect to funds made available by this joint resolution.

(d) AGENCY FOR INTERNATIONAL DEVELOPMENT.—Any funds provided to the Agency for International Development by the provisions of this joint resolution shall be transferred to the Agency for International Development, "International Disaster Assistance" and used in accordance with the policies and general authorities contained in section 491 of the Foreign Assistance Act of 1961 except that the authority contained in section 492(b) of the Foreign Assistance Act of 1961 shall not be available to provide additional assistance to the Nicaraguan democratic resistance.

SEC. 8. DEFENSE APPROPRIATIONS ACCOUNTS.—The appropriations accounts to which this resolution refers are:

(1) Missile Procurement, Army, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) Aircraft Procurement, Army, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(3) Shipbuilding and Conversion, Navy, Department of Defense Appropriations Act, 1984 (Public Law 98-212); and

(4) Missile Procurement, Air Force, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190).

SEC. 9. INSPECTION AND MONITORING.—(a) **INTELLIGENCE COMMITTEES' RESPONSIBILITIES.**—The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate (hereinafter referred to as the "Intelligence Committee") shall inspect, monitor and review the provision of all assistance to the Nicaraguan democratic resistance under this joint resolution, including all deliveries of assistance provided through the Department of Defense, except that nothing in this section shall be deemed to affect the jurisdiction and authority of any other committee of the Congress.

(b) COMPTROLLER GENERAL.—The Intelligence Committees shall consult the Comptroller General in establishing procedures for verifying the provision of assistance as permitted by this joint resolution and shall request the assignment of appropriate General Accounting Office personnel to assist the Intelligence Committees in inspecting, monitoring and reviewing the provision of all assistance to the Nicaraguan democratic resistance.

(c) FUNDING.—There shall be paid out of the contingent fund of the House of Representatives such funds as the Speaker shall authorize for the expenses of the Permanent Select Committee on Intelligence under this section.

(d) EXECUTIVE BRANCH COOPERATION.—The relevant Government agencies shall cooperate fully with the intelligence committees in the exercise of their responsibilities under this section.

SEC. 10. CHILDREN'S SURVIVAL ASSISTANCE.—There are hereby transferred to the Agency for International Development, \$14,560,000 of unobligated funds from the appropriations accounts specified in Section 8 which shall be made available to provide medical care and other relief for non-combatant children who are victims of the Nicaraguan civil strife: Provided, That assistance for such children shall be used to make available prosthetic devices and rehabilitation, provide medicines and immunizations, assist burn victims, help children who have been orphaned, and otherwise to provide assistance for children who have been physically injured or displaced by the Nicaraguan civil strife, giving priority to those children with the greatest needs for assistance: Provided further, That assistance shall be provided only through non-political private and voluntary organizations and international relief organizations: Provided further, That at least one-half of the funds transferred under this section shall be provided through non-political private and voluntary organizations and international relief organizations operating inside Nicaragua: Provided further, That preference in the distribution of these funds shall be given to organizations presently providing similar services such as the Catholic Relief Services, International Committee of the Red Cross, CARE, United Nations Children's Fund, United Nations High Commissioner for Refugees, Partners of the Americas, and the Pan-American Health Organization.

SEC. 11. UNITED STATES POLICY CONCERNING ECONOMIC AID FOR CENTRAL AMERICA.—As part of an effort to promote democracy and address on a long-term basis the economic causes of regional and political instability in Central America, in recognition of the recommendations of groups such as the National Bipartisan Commission on Central America, the Inter-American Dialogue, and the Sanford Commission, and in the context of an agreement to end military conflict in the region, the Congress would welcome bilateral and multilateral proposals by the President to:

(1) provide additional economic assistance to the democratic countries of Central America to promote economic stability, expand educational opportunity, foster progress in human rights, bolster democratic institutions, and strengthen institutions of justice;

(2) facilitate the ability of Central American economies to grow through the development of their infrastructure, expansion of exports and the strengthening of increased investment opportunities;

(3) provide a more realistic plan to assist Central American countries in managing their foreign debt; and

(4) develop these initiatives in concert with Western Europe, Japan and other democratic allies.

SEC. 12. CONSIDERATION OF ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE.—(a) ABSENCE OF A CEASEFIRE.—The procedures contained in this section shall apply in the House of Representatives during the 100th Congress to a joint resolution described in subsection (b) if at any time after June 1, 1988, the Permanent Select Committee on Intelligence of the House of Representatives reports to the House that—

(1) no ceasefire is in place that was agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance;

(2) the failure to achieve such a ceasefire results from the lack of good faith efforts by the Government of Nicaragua to achieve such a ceasefire; and

(3) the Nicaraguan democratic resistance has engaged in good faith efforts to achieve such a ceasefire.

(b) JOINT RESOLUTION DEFINED.—As used in this section, the term "joint resolution" means only a joint resolution introduced in the House by the Majority Leader or his designee, after the report described in subsection (a) is filed, and which is entitled "Joint Resolution pursuant to Public Law 100—", with the Public Law number of this joint resolution inserted in the blank.

(c) REFERRAL.—The joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House.

(d) DISCHARGE OF COMMITTEES.—If all of the committees of the House to which the joint resolution has been referred have not reported the joint resolution within seven days of session after the resolution was introduced, any committee which has not reported the joint resolution shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar of the House.

(e) MOTION TO CONSIDER.—At any time more than three days of session after the joint resolution has been placed on the calendar, it shall be in order for the Majority Leader or his designee to move that the House resolve itself into the Committee of the Whole House on the State of the Union

for the consideration of the joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution and against its consideration are waived. If the motion is agreed to, the joint resolution shall remain the unfinished business of the House until disposed of.

(f) GENERAL DEBATE.—General debate on the joint resolution shall not exceed ten hours, which shall be divided equally between the Majority Leader or his designee and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(g) AMENDMENTS.—At the conclusion of general debate, the joint resolution shall be considered as read and open for amendment at any point. Only such amendments as may be made in order by a resolution reported by the Committee on Rules and adopted by the House shall be in order.

(h) FINAL PASSAGE.—At the conclusion of the consideration of amendments to the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution, and any amendments thereto, to final passage without intervening motion.

(i) DAY OF SESSION DEFINED.—As used in this section, the term "day of session" means a day on which the House of Representatives is in session.

(j) RULEMAKING AUTHORITY.—This section is enacted—

(1) as an exercise in the rulemaking powers of the House of Representatives, and as such is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution under this section, and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the consideration of the amendment on the grounds that it violates clause 6 of rule XXI, and I ask to be heard on my point of order.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on his point of order.

Mr. WALKER. Mr. Chairman, clause 6 of rule XXI states that: "No general appropriation bill or amendment thereto shall be received or considered if it contains a provision reappropriating unexpended balances of appropriations. * * *

Section 4(b) of the Foley substitute reappropriates \$16 million in unobligated DOD funds to the President to assist the Contras through June 30, 1988;

Section 5(a) of the substitute reappropriates \$4 million a month from the same unobligated DOD funds to AID to assist the Contras through De-

cember 31, 1988, if a cease-fire is still in effect;

Section 10 of the substitute transfer to AID \$14.6 million in the same unobligated DOD funds to AID to provide medical care to children who are victims of the conflict in Nicaragua.

The substitute clearly reappropriates unexpended balances in violation of clause 6 of rule XXI. The question remains, however, is this a "general appropriations" bill to which the amendment is being offered? The precedents indicate that, and I quote from 4 Hinds' Precedents, section 3566-3568: "An appropriation bill covering several subjects may fairly be considered a general appropriation bill within the privilege conferred by the rule," referring to what is now clause 4(a) of rule 11 which confers on the Appropriations Committee the "privilege to report at any time" on "general appropriations bills."

Now it is true, Mr. Chairman, that the precedents indicate at section 835 of the House Rules and Manual that a general appropriations bill is not, and I quote, "a joint resolution providing an appropriation for a single government agency and permitting a transfer of a portion of those funds to another agency, nor a joint resolution transferring funds already appropriated from one specific agency to another" (March 6, 1980, pp. 6716-7).

However, in this instance, we are not dealing with the mere transfer of funds from one agency to another agency for a single purpose; we are dealing with the transfer of funds from the Department of Defense to both the Office of the President and to the Agency for International Development—two diverse agencies, for two distinctive purposes: aiding the Contras and providing medical relief for noncombatant children.

While it might be argued that this is for the single purpose of "providing assistance and support for peace, democracy, and reconciliation in Central America," as the title of the substitute indicates, this cannot qualify as a single purpose according to the precedents. I cite here Procedure in the House, 97th Congress, chapter 25, section 1.2, under the heading: "General Appropriations Bills; Privileged Status." The precedent reads, and I quote: "The Committee on Appropriations filed as privileged a joint resolution making supplemental appropriations to two diverse departments for the balance of the fiscal year."

An examination of the CONGRESSIONAL RECORD of the date cited, April 22, 1975, at pages 11925-26 reveals that the resolution in question, House Joint Resolution 407 was, in the words of its title, a "joint resolution making emergency supplemental appropriations for assistance to the Republic of South Vietnam for the fiscal year ending

June 30, 1975, and for other purposes." Specifically, the joint resolution "appropriated out of any money in the Treasury not otherwise appropriated, \$165 million to the Department of Defense for military assistance to the South Vietnamese forces, and \$165 million to the President for "Indochina postwar reconstruction assistance."

In short, the earlier precedent is clearly analogous to the present case in which unobligated appropriations are being transferred to two diverse agencies for two distinct forms of assistance in the same country. In the former case it was military assistance and reconstruction assistance for Vietnam; in the present case it is humanitarian assistance for military forces and medical assistance for children in Nicaragua. Had the 1975 joint resolution not been considered a general appropriation bill, it could not have been filed as privileged as it was. That precedent affirms that a dual purpose bill like this is a general appropriations bill.

Mr. Chairman, it might be argued that this does not qualify as a general appropriation bill because it also includes legislative and authorizing language. But there is no precedent to disqualify this on those grounds. Our Appropriations Committee reports numerous legislative provisions in each of its 13 regular appropriations bills. So that argument can hardly be used to prove this is not a general appropriations measure. However, the distinction might be made that, had this measure been introduced rather than simply called up as permitted by the rule, it would have been referred to several committees, as similar measures have been in the past, whereas, if a regular appropriation bill would be referred exclusively to the Appropriations Committee under House rules. In other words, that this is really a hybrid bill—half authorization and half appropriation.

But, such an argument is irrelevant precisely because this has not been introduced and referred. The legislative history of clause 6 indicates that it was another protection against unauthorized appropriations. Because this has not been introduced and referred to the appropriate committee, it is all the more important that the clause 6 of rule XXI be available for use to prevent this reappropriation for new purposes without committee scrutiny. And keep in mind that clause 6 differs from clause 2. Clause 2 of rule XXI applies only to reported appropriations measures. Clause 6 on the other hand, prohibits any general appropriation bill or amendment thereto from being received or considered. Obviously this anticipates the possibility that a general appropriation bill like this could be received or considered without being reported.

In conclusion, Mr. Chairman, clause 6 deals with one of our most important powers under the Constitution, the power of the purse. We cannot apply a loose interpretation to those purse strings and hope to responsibly manage them. I urge that the point of order be sustained.

□ 1615

Mr. OBEY. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin for the purpose of addressing the point of order.

Mr. OBEY. Mr. Chairman, I rise in opposition to the point of order and simply make these points.

The amendment being considered is not in violation of clause (6), rule XXI since it is not a general appropriation bill. It is first of all a single appropriation bill, not a general appropriation bill.

The title itself is simply a "Joint Resolution to Provide Assistance in Support for Peace, Democracy, and Reconciliation in Central America."

Clause (6) of rule XXI states that no general appropriation bill or amendment thereto shall be received or considered if it contains a provision reappropriating unexpended balances of appropriations. The amendment under consideration is not in violation of this rule for the following reasons: the bill was not reported by the House Committee on Appropriations and therefore has never been considered as a general appropriations bill, and the bill transfers unobligated balances and does not appropriate any new funds or reappropriate unexpended balances or contain any new budget authority.

The CHAIRMAN (Mr. HUGHES). Do any other Members seek recognition on the question of the point of order?

If not, the Chair is prepared to rule.

The question which the Chair must address is whether the pending joint resolution, House Joint Resolution 484, is an appropriation bill within the meaning of rule XXI or whether it is a legislative bill which contains transfers of obligated balances and thus not subject to the provisions of clauses (2), (6), and (7) of rule XXI.

The Chair finds that it is in fact not a general appropriation bill. It only transfers unobligated funds and does not appropriate new budget authority. It was not reported from the Committee on Appropriations as a general bill. It could not have been reported as a general appropriation bill under the circumstances, and for that reason the point of order is overruled.

Under the rule, the gentleman from Michigan [Mr. BONIOR] will be recognized for 30 minutes, and a member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I rise in strong support of the bill under consideration.

Mr. Chairman, last month, I joined my colleagues in defeating House Joint Resolution 444, which would have continued United States aid to the Nicaraguan Contras. Today, we are again being asked to consider legislation which would provide aid to the Contras in the form of food, clothing, medical supplies, and shelter.

Being a longtime opponent of the Reagan administration's policies in Central America, I am particularly disappointed with the Republican substitute legislation. Under its provisions, the \$22.25 million for so-called nonlethal assistance would include military-related equipment such as jeeps and helicopters.

There are several other provisions of the Republican substitute that also disturb me. For example, if the administration decides to deliver the nonlethal aid over the next 2 months, the \$22.25 million represent a monthly rate of more than \$11 million. This figure would almost triple the current rate of \$4 million per month. In addition, the \$5 million for the indemnification of aircraft would more than double the current figure of \$2.8 million. The obvious end result would be the doubling the Contra air force. We would be naive to believe that more war planes would expedite an end to hostilities in the region.

Those of us who respect the provisions of last summer's Arias peace agreement were appalled to learn that the Republican substitute would allow the Central Intelligence Agency to deliver aid until funds are expended. President Oscar Arias does not support this idea, and we'd be hard pressed to find large numbers of peace-loving Central Americans who do.

While war is tragic for all innocent victims, our hearts can't help but go out to the children on both sides of the Nicaraguan conflict. Photos of their maimed bodies haunt each and everyone one of us. Democrats and Republicans, liberals and conservatives, have compassionately proposed that U.S. assistance be approved to give these children essential medical assistance. Unfortunately, however, the Republican plan we are considering today does not specify that the aid be distributed through nonpolitical private organizations such as the International Red Cross or CARE.

The Reagan administration just can't seem to get enough of congressional votes on this issue. Under this latest Republican plan, the President would be guaranteed an expedited vote on still more military aid in May. Now, more than ever before, we must send the President the unequivocal message that we are tired of his policies that perpetuate war and misery in Central America.

For those of us who are committed to doing all we can to promote peace in Nicaragua, today's vote is a difficult one. But it would be naive to suggest that we have the votes to cut off all aid to the Contras. Morally and politically, supporting the Democratic alternate is the

most reasonable approach for us to take. To do otherwise would only fan the flames of additional death and destruction in that region.

Tranquility has eluded the Nicaraguans for too many years. Therefore, I am supporting the Democratic proposal which offers the children of that country hope for a peaceful future.

Mr. BONIOR of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], a distinguished member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, the main difference between this amendment and the other provision before us is that the Michel plan builds a bridge toward renewed war, and the Bonior amendment pushes both sides to the bargaining table.

Mr. Chairman, I talked with Mr. Calero in my office last week. It is obvious to me that the Contras think that if we pass the Michel amendment they can simply wait out the Congress. He told me for instance that if we had just left them alone, that they could have been in Managua in 7 months.

Mr. Chairman, I do not know of anyone who seriously believes that.

Mr. Chairman, the Michel amendment has two telltale provisions. First, it sets up a new vote after April 15. Second, it allows delivery of tools of war such as helicopters and logistics equipment. It would send the message to the Contras, "Just wait, boys, and after April 15 the cavalry will be on the way and so will the bullets and so will the artillery and we will be back at war."

Mr. Chairman, the delivery of military equipment would send the message to the Sandinistas that they ought to move away from the bargaining table because we are trying to gin up the war again.

Both messages should not be sent.

Under the Bonior amendment we would deliver only the truly humanitarian assistance which is consistent with the Arias peace plan as indicated by President Arias himself. The next vote is far enough away on the calendar so that neither side can wait us out because both sides will know that their conduct is going to be judged and that we will be making another determination down the road.

To those who, like myself, have always opposed Contra aid and who would like to simply "say no," as has been suggested today, I would simply make this point. It is nice to be able to "say no" if one has the votes, but if one does not have the votes, one has to have a strategy that is a little more innovative and a little more involved.

This is the third step in a three-stage process to create momentum for peace. The first came on the continuing resolution when we set up a free-standing vote on this issue so it would not be encumbered by other budgetary considerations. We also at that time

were able to cut off remaining military deliveries after February 29. We won that freestanding vote in the second stage on February 3. This is the third stage today, to fulfill the promise we made to those on the fence when the question arose when we said that we would bring to this floor an alternative to let people be for something, not just against something, if they voted with us on February 3. That is what we are doing today.

In addition to that, we are providing assistance directly to some of the kids who are the most sad victims of this war, the kids in Nicaragua who have lost arms and lost legs because of that fight.

If we pass the Bonior amendment, we will preserve the cutoff of military aid which is now in effect since February 29. It is supported by a whole host of religious organizations who up to this time have opposed any kind of assistance to the Contras, and I think we ought to listen to them and vote for that package today. It is not enough to simply hate war. One also needs tactics and strategy to win the fight for peace. We have to recognize that as long as Ronald Reagan is President, we are going to be voting on this again and again. So it is important that we not just win the vote today, but keep together the coalition that can preserve the best options for peace in June, in July, and in October when those future votes come along.

Let me simply make one additional point. If the peace effort eventually fails in Central America—and I hope to God it does not—but if it does, let it be because it failed on the ground in the region. Do not let that failure be because Congress failed to recognize a critical opportunity to keep the flow of military aid shut down and to push both sides to the negotiating table. Leadership requires determination. It requires courage. It also requires the ability to distinguish between morality and mere moralizing. It also requires us to measure every event to determine whether or not there are changed circumstances which requires a change in approach and strategy.

Mr. Chairman, I ask Members on both sides of this question today, do not throw away this opportunity simply because it is hard to explain. It does take some effort to explain it, but it is well worth it because it is the best shot this Congress is going to have this year at forcing both parties towards peace and negotiation.

PREFERENTIAL MOTION OFFERED BY MR. SAVAGE

Mr. SAVAGE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SAVAGE moves that the Committee do now rise and report the joint resolution back to the House with a recommendation that the resolving clause be stricken.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Chairman, I want to take this time to point out that a dollar is a dollar. It is some strange logic that says this: That if a person is a drunk and they want \$2 to buy a drink and that person is also hungry and needs \$2 to buy a hamburger, and they only have \$2 and they come and ask for \$2.

Let me say that if whoever is asked for that \$2 is a member of some temperance league, you would not presumably be asked for \$2 for a drink, they may ask for \$2 to buy a hamburger, but if \$2 is given to that drunk to buy a hamburger one has contributed to that drunk buying a drink because it frees up the \$2 that the drunk already has.

What I am saying here is that any aid is aid to the Contras whether it is called humanitarian aid or something else, and the purpose of the Contras is to kill, kill, and kill. I say to my colleagues, having the hypocrisy to propose giving money in this bill to help heal the children after the Contras have shot them down, that is a shame, a disgrace, and the height of immorality to vote \$1,000 per Contras to kill while voting some money to try then to heal the children after they are shot or killed.

I say to my colleagues, if there is \$1,000 of taxpayer money to send down to Nicaragua, I could use it better. I have some senior citizens in my district who can use that \$1,000 to help pay the part B premium of their Medicare insurance. I have some high school graduates who could use it to help pay the rising tuition for college. I have some unemployed people who could use it to help pay their mortgage and avoid foreclosure.

I tell my colleagues, the argument that some kind of aid will pass anyway is an unprincipled and illogical one. That is why the Democratic candidates for President are losing, because my liberal Members of my party, when it comes to principle and morality, find some gobbledygook way to get around it.

Mr. Chairman, if this aid is killing women and children in Nicaragua, then vote against killing. To argue there is a little less killing in the Democratic bill than there is in the Republican bill, \$31 million in your bill and \$36 million in the Republican bill, if my colleagues are against killing, we cannot argue that we would rather have a little killing than a lot of killing.

I am against a little killing. I am against a lot of killing. I am against the Democratic bill. I am against the Republican bill. I do not believe this House should take another dime of American taxpayer money to spend on

killing in Nicaragua. Send it to the Second District in Illinois. Ask some of your constituents if they could use \$1,000 for a percentage reduction of their own tax dollars back. Mr. Chairman, I say not a dime for killing in Nicaragua.

The CHAIRMAN. Is there a Member wishing to speak in opposition to the preferential motion?

Mr. BONIOR of Michigan. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS of Oklahoma. Mr. Chairman, may I be heard in opposition to the motion of the gentleman from Illinois [Mr. SAVAGE]?

The CHAIRMAN. The Chair announces that under the rule only one Member opposed to the preferential motion can be heard.

Mr. EDWARDS of Oklahoma. I was going to yield to the gentleman from Illinois [Mr. SAVAGE] and give him more time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Illinois [Mr. SAVAGE].

The preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, a great deal has been spoken on this bill before us. I do not want to prolong unnecessarily the agony.

But I would like to tell you something that is bothering me. I was one of the 12 Republicans to vote against giving more military aid to the Contras 1 month ago.

I did so for two reasons:

First. The first and primary objective of the U.S. Government all along has been to get the Sandinistas to the bargaining table. This has now been accomplished. I thought it wrong to violate, right off the bat, the intent of the Arias peace plan by doing exactly what we had accused the Russians of doing—sending in third-party arms. In my experience, when you negotiate, you don't let the other side off the hook even before you sit down at the table.

Second. The second reason I voted against military shipments was a direct result of your promise to BOB MICHEL and indirectly to some of us, who with more than a little anguish, left our friends and voted another way—a promise to submit your bill—a Democratic bill for nonmilitary aid to the sufferers in that tragic land—a bill to which people like myself who voted with you could make some suggestions—in other words a substitute recommendation.

But what happens. Once you secured our vote—and won that battle—you turn your back, give us no independent voice—and in what to me seems at best a far too smooth political move, position the legislation in such a way that I must swallow whole what you have decided to be in my best interests with no free-standing alternative.

God knows, I'm no legislative expert, but my stomach tells me that this is just not right. It cuts too fine a corner; it is not in keeping with my understanding of what you originally presented. How can I in good conscience support this substitute bill? I will not.

Mr. BONIOR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to comment to my friend, the gentleman from New York [Mr. HOUGHTON], whom I have the greatest respect for and who I think is one of the finer legislators that came to this Congress.

Mr. Chairman, I want to reemphasize the fact that we indeed left our negotiation open to anyone who wanted to participate, Republican or Democrat. They were free to come in and make their suggestions. It was completely open. I made that clear to everyone and I just want the Members to know that we shut the door to no one. We wanted people to participate so we could come up with a bipartisan package.

Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. JEFFORDS].

□ 1630

Mr. JEFFORDS. Mr. Chairman, I am distressed that once again, at a very inappropriate moment in the Central American peace process, we find ourselves embroiled in a debate over United States policy toward Nicaragua.

Now is not the time for a policy debate in Washington.

Now is the time to enable good-faith conduct of the negotiations in Central America.

I am further disappointed by the lack of bipartisan discussion on a broadly acceptable alternative. If we must vote today, we should at least be sending a strong signal to Central America that a large majority of Congress supports the peace process. Instead, we are arguing over specifics of a policy, and losing sight of the shared goal of peace in the region. Such rancor is detrimental to the difficult task of forging peace.

We all had hoped there would be a cease-fire before Congress returned to this issue. Certainly, our task would be much easier if that had occurred. Unfortunately, that is not the case. But we must continue to support the efforts of President Arias and urge progress in the negotiations between the Contras and the Sandinistas.

The question then is which of the alternatives before us today best advances the cause of peace. The Michel proposal insists on maintaining the military capabilities of the Contras. The Foley substitute would strike this nonlethal aid and limit assistance to food, medicine, and clothing.

President Arias has indicated that providing humanitarian assistance to the Contras is not inconsistent with the Guatemala peace agreement. However, providing the type of military supplies contained in the Michel proposal clearly violates the terms of the agreement. A decision by this House to resume military assistance could have a dramatic and regrettable effect upon the fragile peace process.

The Foley substitute is certainly not perfect. However, it's clearly preferable to the resumption of military-related assistance and far better than settling into a series of votes on military aid over the next few months. I am encouraged that this approach would shift delivery of all humanitarian assistance to the International Committee of the Red Cross or other international relief agencies as soon as hostilities cease. The substitute also prohibits delivery of currently stockpiled military supplies. Further, this proposal encourages both sides to reach a formal cease-fire agreement by providing for continuation of humanitarian assistance through the end of the year in that event.

Mr. Chairman, let me reiterate. I regret that we are once again delving into contra policy in the midst of the Central American peace process. But we are faced with only two options today—military aid or sustenance aid to the Contras.

Thus I will support the Foley substitute because it is the most policy neutral; it has the best chance of moving the peace process forward; it is consistent with the Arias peace plan; and it will allow us to vote in good conscience knowing we are not advocating overthrow, nor denying the Contras the ability to pursue the peaceful road to restoring democracy in Nicaragua.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 30 seconds just to inform my colleagues that the President of the Nicaraguan Government, Mr. Ortega, having already dismissed Cardinal Obando y Bravo as the negotiator, has now abolished the Ministry of Justice in Managua and transferred the prosecutorial powers to the Ministry of the Interior and turned those responsibilities over to Mr. Tomas Borge, and I just thought that the Members of this House ought to be aware of that.

Mr. BONIOR of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding me this time and I rise in support of the Bonior-Foley Democratic substitute.

I have reservations here. I probably, if I had my own choice, would not have asked that this aid bill be on the floor today, but if we have to make a choice, and we do, then I certainly think that the provision put together by my friend from Michigan [Mr. BONIOR] and my friend from Washington [Mr. FOLEY] is much the preferable approach, and for these reasons:

This is truly a humanitarian aid bill. It is not just nonlethal, it is not just nonmilitary assistance. This is truly humanitarian assistance. It is sustenance to the tune of \$14.6 million of sustenance aid, food, clothing, shelter, medicine, \$14.6 million in aid to the children who have suffered so much so that medically they can be made whole again as far as possible and \$1,400,000 for aid and assistance to the Miskito and other Indians in Nicaragua who have been displaced by reason of that war.

Once again, this is completely humanitarian assistance, and therefore I support it.

The second reason is that the Democratic Bonior-Foley substitute prevents the use of these funds to deliver previously approved military assistance. There is much in the pipeline. This bill would prevent that being delivered by the use of these funds.

This further, in my opinion, Mr. Chairman, underscores the truly humanitarian character of this aid package.

Finally, I support the substitute because it transfers authority for delivering this assistance from the CIA to the Defense Department. The CIA is a very honorable agency, one which I worked with closely when I was on the House Intelligence Committee. But it is an intelligence-gathering organization. It is not a military operational organization, it is not meant to be involved in covert activities. It is meant to be an intelligence-gathering activity, and the bill which is before us in the form of the substitute does make that cleavage and clearance, and I think it is much to be preferred.

Finally let me say I do support once again the Foley-Bonior Democratic substitute because it more clearly and more definitely and more surely than the alternative offered by our friend, the gentleman from Illinois [Mr. MICHEL] does actually serve the peace process. It does give peace a chance, and we think, and I think that the Arias peace plan is innovative and interesting and is very potentially promising. It needs a chance. This substitute gives it that chance, and I ask the House and urge my colleagues to support the substitute and vote down the bill.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, it is really disturbing news to learn that this morning Cardinal Obando y Bravo was dismissed, the chief negotiator of the peace process, and that the Ministry of Justice has been abolished. I honestly would not be surprised if La Prensa, Mrs. Chamorro's newspaper, is not next on that list.

Mr. Chairman, I rise in opposition today to the Democratic alternative because, in my opinion, it severely weakens the package of aid to the Nicaraguan democratic resistance which has been brought to the floor today.

There are a number of flaws in the Democratic amendment, and my colleagues have addressed these in detail. The bill will not provide the aid that is necessary to keep the Contras as a viable force, and therefore will not aid the peace process as needed.

One of the areas where the bill is unlikely to function is its intention to provide aid to the Nicaraguan children who have been injured by the civil war. I am in agreement with the intentions, and they are good intentions, and we should focus assistance on these innocent victims. However, the bill specified that the \$7 million in aid which is designated for Nicaraguan children should be a cash payment to internal Nicaraguan organizations which have somewhat credible names but have been ineffective in the past. For instance, none of these organizations, and some of them have had the opportunity, have been allowed to visit the thousands of political prisoners imprisoned in 13 prisons in Nicaragua, 12 of them built in the last 8 years.

Make no mistake about it, my friends, we are dealing with a Communist government in Nicaragua. This was a lesson soon learned by my own constituent, President Carter and his administration, which grew disenchanted with the Sandinistas after sending them \$120 million in aid to encourage them toward democracy and humanitarian causes.

I want to remind my colleagues that the Sandinista government has an inner circle of more than 60 members who received for the most part their education and training in Cuba, in East Germany, Libya, and the Soviet Union. On February 3, I inserted these names in the RECORD and their backgrounds for all to see. Every one of these people, including Daniel Ortega, have sworn to the Sandinista creed, and they subscribe to its philosophy. Let me just quote it.

I believe in the doctrines and struggles of Marx, Engels, Lenin, and Che Guevara—the great teachers, and guides of the working class which is the productive force and true driving force of the class struggle.

I believe in the building of the Marxist-Leninist Socialist society.

That is the creed which the Government subscribes to.

My colleagues, if we are indeed serious today about voting aid to the Contra forces, then we should pass the very strongest legislation possible, legislation which will keep the pressure on for the next 5 months and encourage the implementation of the ongoing peace process.

The strongest and most effective vote is the Michel amendment. The Democratic alternative is a weak initiative, in my opinion, and will simply encourage the Sandinista government to milk the process for all that it is worth.

Mr. Chairman, we know there are lobbying organizations for the Sandinistas in Washington, DC, and we know the Sandinistas pay a public relations firm \$20,000 per month to lobby for their country in New York City. Simply put, a lot of misinformation is getting out into print which people take as gospel, and they are well intended when they are opposed to this particular aid. But, Mr. Chairman, the Catholic Church, the labor unions, the internal opposition, the La Prensa newspaper, the mothers of political prisoners know the truth, and those people say that they want the very strongest legislation possible.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is new news that all Members should be aware of. President Ortega has just announced the abolishment of the Ministry of Justice and the transference of its powers to Tomas Borge in charge of the Interior Ministry. That is like giving the court to the police. That is like putting the Supreme Court under the KGB.

Do Members really believe that American tax dollars should go to organizations that are controlled by the Sandinista government when this is the kind of government they are, and they are proving it right now when they ought to be in negotiations, and be a part of those negotiations which are to accomplish a society in which the courts would have independence? It is positively bizarre.

President Ortega is demonstrating his true colors at the very time we are here saying give peace a chance. For heavens' sake, defeat the Democrat proposal, pass a proposal that at least allows us through expedited process to come back on this issue if President Ortega continues to "negotiate" by putting the Justice Department under the Interior Department, by transferring law and the enforcement of law to the KGB and the police department.

This is the time for us to show Mr. Ortega that yes, we care about negotiations because they are essential to accomplishing the goals of the Arias peace proposal, and that if the goals of that peace proposal are not accomplished that indeed American policy will continue to support those who want to see a free and diverse government of the people in Nicaragua.

Today's action by the President in Nicaragua is simply too much. Vote "no."

Mr. BONIOR of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Georgia [Mr. RAY], my friend, spoke about the children's survival fund that we put together and he alluded to the fact, I think incorrectly, that those funds would be somehow garnered by the Nicaraguan Government. I want to for the third time today, and I think it is important, reemphasize for the third time and refer people to page 11 of the Rules Committee report in which the amendment that we are now discussing is listed.

□ 1645

On page 11 it reads as follows in section 10:

There are hereby transferred to the Agency For International Development \$14,560,000 of unobligated funds from the appropriation accounts specified in section 8 which shall be made available to provide medical care and other relief for noncombatant children who are victims of the Nicaraguan civil strife.

Now we are talking about children, not Sandinista children, not Contra children. We are talking about children who may have been involved in this war and who in fact may be in Contra camps, they may be Miskito kids, they may be in combat areas. None of this money will go to the Nicaraguan Government. It goes to the Agency for International Development which is controlled by the Reagan administration, a Reagan appointee. They in turn can look at different organizations. We state further in section 10 that they might want to consider giving preference in distributing these funds to such agencies as the Catholic Relief Services, International Committee of the Red Cross, CARE, organizations which have a high degree of respectability and reliability.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding, because the problem is not with what you specify in the language, it is the fact that you specify funds. The gentleman must know that under Nicaraguan law any foreign funds coming into the country automatically go to the government. That is the Nicaraguan law. That is

what we are referring to. We are not referring to the intent, we are referring to the fact that the funds have to go to the government because that is Nicaraguan law for all foreign currencies.

Mr. BONIOR of Michigan. These funds will go to the organizations who will purchase the goods and then deliver them to the people who need them.

Mr. WALKER. But that cannot be done under Nicaraguan law, that is what I am saying to you. Our Government cannot get by Nicaraguan law on this issue. The fact that you have specified funds, not assistance, means money and the money under Nicaraguan law has to be taken through the Government. You have made a mistake in your proposal is the problem.

Mr. BONIOR of Michigan. We have not made a mistake. That is not the interpretation under Nicaraguan law or any other law.

What can in fact happen is that these organizations through the AID can purchase these goods and services, medical supplies, these artificial limbs in a variety of different ways. They do not have to purchase them in Nicaragua. They can purchase them in Honduras, they can purchase them in the United States.

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my friend, the gentleman from Georgia [Mr. RAY].

Mr. RAY. I thank the gentleman for yielding.

I appreciate my colleague, the fact that he has given us a chance to focus on this just a bit. I understand the honesty and sincerity that the gentleman has in this area. But I was recently for 2 days in Managua meeting with the internal opposition, with the Catholic church, the human rights people who, when I asked—particularly when they were concerned about political prisoners—why was not Amnesty International or the Red Cross, and I mention many of these agencies that you are referring to, why were they not doing anything? They said, "Well, we don't have confidence in some of them and others are prohibited from doing anything in this country."

I think my intent, based on the fact, as Mr. WALKER pointed out, that the law does exist, that the Sandinistas do control that situation so tightly down there that I am fearful—I would be hopeful—but I am very fearful that that \$7 million would ever see the light of day in a children's atmosphere.

I thank my friend.

Mr. BONIOR of Michigan. Mr. Chairman, I yield 3 minutes to my distinguished friend, the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, 4 weeks ago, this House opted for a new approach to the situation in Nicaragua.

We compared the dismal results of 6 years of war with the hope for the future, embodied in the Arias peace plan.

And we voted to stand with our allies, the elected leaders of the Central American democracies, in support of their proposal, to replace the sounds of battle, with dialog around a negotiating table.

I believe we made the right choice.

But a fair question was asked during our last debate on this issue: If we are against military aid to the Contras, what is it that we are for?

"Give peace a chance" may make for a memorable musical lyric, but it is not, in and of itself, a policy.

Today we begin the task of defining, what we are prepared to do, to further efforts to bring peace to Nicaragua.

In so doing, we must confront several realities.

The first of these realities, obviously are the Contras.

The Contras exist in the numbers that they do, in large part, because of years of support either provided directly by, or facilitated through, the efforts of, the U.S. Government and its representatives.

We have played a major role in arming, sustaining, and encouraging the Contras.

Whether you like it or not, the issue is not whether we have a responsibility to the Contras.

We do.

The issue is, how to discharge that responsibility, in a manner consistent with the goals of the Arias peace plan.

The Bonior amendment now before us provides a solution which I believe meets that test.

It allows for the provision of truly humanitarian aid—food, clothing, shelter, medical supplies, and a small amount of communications equipment necessary for the delivery of that aid—until June 30.

The Bonior amendment also guards against a unilateral decision by the Sandinistas to torpedo the peace process.

I hope we do not reach that point.

I hope that the humanitarian aid this bill contains will provide the Contras with sufficient support, both substantively, and from the standpoint of perception, to enable an agreement with the Sandinistas.

I know, however, that whenever the war ends, we will have to be prepared to further assist the Contras in Nicaraguan society.

In addition, I know, that if our country, as it should, wants to remain a partner in the peace process, we will need to be concerned with issues other than the Contras.

That is why I am especially pleased with two provisions of this bill that address additional realities about Central America.

There is a tremendous need in Nicaragua to care for the most innocent of the victims of the fighting—the children.

We can begin to ease their suffering through the provision of the medical care, food, and health supplies authorized in the bill.

There is also a need to deal with the critical economic problems in central America that can, if not resolved, overwhelm fledgling democratic institutions.

The measure we are considering invites the President to work with us on the kind of economic plan for the region that, in the long run, will protect our security interests better than additional payloads of mortars, rockets, and automatic weapons.

Make no mistake about it.

If we are interested in working with our neighbors in Central America to bring peace to their region. A long-term commitment is required.

The Bonior amendment is but a step in that direction.

But it is an important step in the right direction.

It represents an opportunity to craft a positive policy that can be built on in the future.

It is an opportunity that we cannot afford to ignore.

The CHAIRMAN. I might advise the parties that the gentleman from Michigan [Mr. BONIOR] has 11½ minutes remaining and the gentleman from Oklahoma [Mr. EDWARDS] has 21½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, today is a marvelous day for Danny Ortega. He has done two strange things. He has fired Cardinal Obando y Bravo as a mediator saying he isn't needed any more and he has dissolved the Ministry of Justice and folded that operation into the secret police operation of the Department of Interior. What he is doing is thumbing his nose at you and the sad thing is you do not even know it.

Please spare us the sophistries about bipartisanship. There is no role for the President or the administration in this scenario here.

The Intelligence Committee in the House, 11 to 6, Democrat, one vote on the Democrat side for the Contras, is going to be the operative force in this. That is not bipartisan.

Centuries ago, my friends, there were people called alchemists who, through incantations and formulas, tried to change base metal into gold. What you have here is an effort at political alchemy whereby with the magic formula of negotiation you are

going to change base Communists into golden liberal Democrats.

What a glorious time this is, may I say, to hand over Nicaragua to the Communists. With Colombia near chaos, being controlled by a cocaine cartel, with Panama overwhelmed by corruption and a 400-mile trip from Nicaragua to the canal, and you hand over Nicaragua to the Communists.

Chaos, cocaine, communism, that is the legacy of this sort of legislation.

The Arias peace plan and the Speaker's plan are based on a fantasy that the Sandinistas will do what no Communist regime has ever done in history, voluntarily yield power.

These are the same leaders who said, "What was won by the gun can only be lost by the gun." They have also said, "Why would we lose 50,000 lives to surrender the revolution?"

But, my friends, you have got to understand that many of the most fervent advocates of the Speaker's plan before us are indifferent to the takeover of Nicaragua by the Communists. They do not see that as a problem at all. All you have to do is to read the Democratic Study Group's letter that they sent to the peace groups, where it says, and I quote:

Like the refusal to provide more military aid, these provisions send a strong message to the Contras that our support for their war is over, the sooner the Contras understand that fact, the sooner the fighting will end and the sooner we can begin addressing the real problems of Central America, of poverty, maldistribution of wealth.

Well, poverty is a problem. Communism is not going to fix that. Maldistribution of wealth is a problem; Marxism has never fixed that anywhere in this globe. But what about a Soviet base on the land bridge between Texas and the Canal? That is a matter of blithe indifference to the people pushing this plan. At least they do not advert to it in their letter.

So I just ask them: "Doesn't a Soviet base in our hemisphere, in addition to Cuba, bother you?" It bothers me. Now the Speaker's plan achieves the supreme goal of every Communist government, unilateral disarmament of the resistance, meanwhile the Sandino Communists are arming to the teeth.

My friends, we have had 70 years of experience with the Communists, with the Soviet Union. Do we not learn anything? Refusal to learn from history goes beyond invincible ignorance, I think it approaches what is called cognitive dissonance, the refusal to see reality when it bites you in the neck. That is precisely what the Speaker's plan does. It is a manipulative cellophane fig leaf, it is a search for the lowest common denominator on the left to avoid responsibility for losing Nicaragua.

My friends, it takes away much more than it gives. It gives a token of beans and bandages and blankets that are

undeliverable. You cannot deliver them. There is no mule train going to carry them into Nicaragua. You have got to fly them in. But if you fly them in you had better have antiradar jamming equipment because the Sandinistas have Soviet radar and they are not going to let you feed and clothe and bolster the Contras except on their terms, which are surrender. So who are you kidding? Who are you kidding? You are not even going to get the humanitarian aid that you are so proud of in to the people who need it. So you are not giving them much, but you are taking away much, you are taking away their hope.

This bill is an invitation to a funeral, the funeral of freedom.

I say to you in all sincerity when the last freedom fighter is huddling in a refugee camp somewhere shivering and hungry, I say to you as you are proceeding down this course or when the last freedom fighter is being lowered into his grave, you are going to understand what Lady MacBeth meant when she said, "All the perfumes of Arabia won't sweeten this little hand. You will understand what she meant because you will bear the guilt that you deserve for being an accessory to the murder of democracy and freedom in our hemisphere.

Mr. BONIOR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in support of this package.

Mr. Chairman, exactly 1 month ago the House was witness to 10 long hours of debate on an issue that has come to symbolize the lack of a bipartisan foreign policy in America. The question of aid to the Nicaraguan resistance has generated more divisive debate than perhaps any other issue in this decade. As is often said about matters such as this, reasonable people can reasonably disagree. Yet on this question people seem to lose their reason and their ability to remain civil.

In January I was joined by 19 Democratic colleagues in urging the President to delay his request for aid to the Nicaraguan resistance. We made our request on the grounds that, given the intense domestic opposition that faced Daniel Ortega and the strengthened position of the Contras in their upcoming negotiations with the Sandinistas, more military aid to the Contras would have given Ortega a convenient excuse to revoke concessions recently won inside Nicaragua and to abandon the Arias peace plan. Among concessions were a lifting of the state of emergency, reopening La Prensa, a partial amnesty, and most importantly, committing his government to direct negotiations with the Contras. This last concession can be seen as a de facto recognition by the Sandinistas of the Contras as a legitimate political force within Nicaragua.

Unfortunately, the President refused to consider our request and, as we all know, his aid package was defeated. Since then, many of

us have been criticized for our votes against the President's package. However, moderates in the House voted with the Democratic leadership because we were promised another vote on an alternative package that would sustain the Contras during their negotiations with the Sandinistas and would not violate the Arias peace plan by escalating the war. And despite the inflamed and exaggerated rhetoric to the contrary, the leadership has acted in good faith. Defeat of the President's package did not signal the death knell of the Contras. The resistance is alive and well in Nicaragua with plenty of arms stockpiled, and we have before us today a vote on a humanitarian aid package that will provide a steady commitment to the contras as they continue negotiating with the Sandinistas.

As a member of the task force responsible for drafting the Democratic aid package, I am confident that today we have an opportunity to arrive at a bipartisan consensus on the question of how best to achieve peace and democracy in Central America. The Democratic package answers many of the concerns of liberals, moderates, and conservatives on this issue. In addition, Alfredo Cesar, a member of the Resistance Directorate, has said that the Contra leadership needed three conditions for its support of an aid package: a credible delivery system, an opportunity for another vote in June to consider "the overall situation in Nicaragua, and funds for communications equipment. This package meets those conditions.

The Democratic leadership's proposal provides incentives for both sides in the Nicaraguan conflict to negotiate a cease-fire by June 30. The House Select Committee on Intelligence and the appropriate body in the Senate will monitor these negotiations. If no cease-fire is reached by that date, the two committees will determine who is responsible. If the Sandinista government is found to be negotiating in bad faith while the Contras are making a good faith effort to reach a cease-fire, Daniel Ortega faces the real possibility of renewed military aid to the Nicaraguan resistance. The Contras will not be immune to pressure either. If they do not engage in serious efforts to achieve a cease-fire, they run the risk of a cutoff in aid.

Defeat of the administration's aid package was not the last vote on aid to the Contras and today's vote will not be the last either. The Democratic package offers the best strategy for the United States Government to promote a negotiated settlement in Nicaragua. If a cease-fire is not achieved, we will revisit this issue in the summer. But the Sandinistas should be warned. A majority of this body will not tolerate an expansionist totalitarian state in Central America. The Sandinistas have said they want peace under the terms of the Arias plan, which links peace with democracy. Now they must prove it.

Mr. BONIOR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Democratic alternative on Contra aid.

This is a difficult vote for many in this Chamber—especially those of us who have opposed all forms of aid to the Contras. In fact, if it were within my power, I would like to see a total cutoff of direct aid to the Contras. The only assistance I would favor is true humanitarian aid, in compliance with the principals outlined in the Geneva conventions.

But, Mr. Chairman, the reality is that some form of aid will be approved. And we must choose between a Democratic plan which moves us away from the military approach that has been embraced by the Reagan administration and a Republican plan which paves the way for more military aid to prolong the war and add to the killing in Nicaragua.

Mr. Chairman, given that choice I feel compelled to support the Democratic package. In spite of my strong reservations about this plan, I know that if it fails we will be faced with a resumption of military aid to the Contras—and a deterioration of the peace process. Let there be no misunderstanding, a vote against the Democratic alternatives is a vote for military aid.

Mr. Chairman, we should therefore adopt the Democratic proposal and start planning for peace. In that spirit, I would like to ask my colleagues to review an article I wrote for the Christian Science Monitor 2 years ago. Though I wrote the article in 1986, the issues I raise remain relevant in 1988. I submit it for the Record.

HUMANITARIAN AID VERSUS "CONTRA" AID

(By Hon. Joe Moakley)

In the debate over aiding the "contra" forces in Central America, an important point has emerged that should be respected by both supporters and opponents of such aid. None of the assistance that has been or may be sent by the United States government directly to the contras can properly be called humanitarian aid.

Many of the church-based and private voluntary agencies that provide relief and development assistance around the world have correctly insisted that all forms of direct aid to the contras violate the longstanding, internationally agreed-on criteria for humanitarian aid.

As stipulated in the Geneva Conventions and Protocol, humanitarian aid must be made available solely on the basis of human need and not for any political purpose; it must be offered impartially to all sides in a conflict; it must go only to civilians and non-combatants; and it must be provided through independent agencies that have not taken sides.

Direct U.S. assistance to the contras cannot meet any of these three basic tests for true humanitarian aid. What we have sent is clearly intended to enhance the combat effectiveness of one faction in a conflict rather than to alleviate suffering among civilians and noncombatants.

When Congress voted \$27 million in so-called "humanitarian" aid to the contras last year one U.S. senator suggested that the contra forces would now be better fed, better clothed, and better shod, and that they would fight better as a result. Such an approach utterly defies the rudimentary meaning of humanitarian aid.

The relief agencies' experience in Central America makes clear that contra attacks, in fact, increase the number of displaced persons and victims of violence and hamper effective delivery of aid.

The false usage of "humanitarian" is further demonstrated by the fact that more than \$15 million of the \$27 million in aid approved last summer has been spent in ways that are classified and are impossible to audit through the very government accounting procedures that were mandated in the law. Genuine acts of mercy are not subject to such secrecy.

The ultimate outrage against the concept of genuine humanitarian aid came in March when President Reagan asked for \$100 million in renewed assistance to the contras. The White House text of a promised executive order released on the eve of the first vote in March identified ground-to-air missiles and Green Beret training as forms of "humanitarian" aid.

Blatant manipulation of the term is further illustrated in administration responses to requests to send aid to Nicaragua. While a wide variety of paramilitary gear has been purchased for the contras using the \$27 million for "humanitarian" aid, traditional relief agencies have been blocked by licensing restrictions from sending needed, totally nonmilitary supplies into Nicaragua. Oxfam America has been waiting for months for permission to send seeds, agricultural tools, and similar goods for distribution inside Nicaragua through church networks. By contrast, private groups backing the contras received an export license in just four days to send a Huey helicopter to the contras for "humanitarian" purposes.

Providers of genuine humanitarian aid operate in conflict situations at the sufferance of the warring parties, who, from a partisan perspective, view the activities of relief workers with considerable suspicion. Misuse and political exploitation of the term "humanitarian," therefore, erodes the integrity of genuine humanitarian aid, adds further danger to the work of bona fide aid providers in conflict situations, and puts at jeopardy the future of those in need whose lives depend upon delivery of such assistance. It also increases the risks that many relief workers already face in their efforts to provide true humanitarian assistance.

The time has come to remove the term and concept of "humanitarian" from any aid that Congress may approve in support to the contras. If new funds are voted and the current Nicaraguan Humanitarian Assistance Office in the State Department is asked to administer any portion of the funds, then the office should be renamed so as to delete "Humanitarian" from its title. For those in need in Central America, assistance should be provided through the Red Cross and the United Nations High Commissioner for Refugees under arrangements that fully conform to the traditional criteria for humanitarian aid.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman from Oklahoma for the time.

Mr. Chairman, today like Alice in Wonderland we step across the looking glass.

Five years ago we made an East-West policy decision. We decided to confront communism in Central America by aiding the freedom fighters called Contras on the home turf of the Communist presence in Nicaragua.

It was a policy I agreed with. It was a policy many of you disagreed with, but it was a policy we could all understand.

On February 3 we made a new East-West policy decision. On February 3, this House voted to end that confrontation, to end our support for the freedom fighters who are confronting communism in Nicaragua. It was a decision I disagreed with. I pointed out we are abandoning forces in the field we had helped place there. It was a bad decision, but it was a decision nevertheless. It made some sense to some and it is one that we could all understand.

But today like Alice in Wonderland we step across the looking glass. Today we are asked to vote on a proposal that says let us aid both sides of the conflict.

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"Let's send money to both parties in this conflict between East and West in Nicaragua."

It is the equivalent, if you will, to a decision to send aid to Nazi Germany during World War II. After all, Hitler had innocent civilians who were victims of that war. Did we decide to send aid to Nazi Germany in the middle of that conflict? Of course not.

A decision to send aid to both sides in this conflict would be just as silly and just as ridiculous. No, this is not an East-West policy vote any more. It is simply a foreign-aid vote. It is simply a decision to send a whole bucket of money to Nicaragua, to everybody over there on both sides of the conflict. It is simply a foreign-aid vote now.

We have people in America who are hurting as much as anyone is hurting in Nicaragua, and if what we want to do is send some money to somebody, I suggest that we look at our districts and look at things at home. If you want to defend in a 30-second commercial a decision that you sent money to both sides in an East-West conflict, that you added to the foreign-aid budget of this Nation on this vote today, that you could make no real policy decision about which side you wanted to fall on in this East-West conflict, then perhaps you can vote for this program. But I suggest in the meantime that the comment made to me by a Cajun friend is beginning to make more and more sense as we face this proposal this afternoon.

I was riding with him in my car, and he said, "You know, Billy, things are not like they are. No?"

I said to myself, "What on Earth does he mean?"

Then it dawned on me that he could be in this Congress today. He could be proposing this ridiculous offer to send money to both sides, because, let me say to the Members, things are not like they are anymore in the Congress.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I hope our colleagues were listening to the previous speaker. It has been curious to me today to realize how little time we have spent talking about the Soviet-backed Sandinistas and how much time we have spent talking about the United States-backed Contras.

Let there be no doubt in anyone's mind whose side I am on and why I believe the first vote we cast today is a very significant one, because it is a vote on the Bonior foreign-aid plan. It is not a Contra aid plan. Only one-third of the money in this Bonior foreign-aid plan will go to the Contras. The other two-thirds of these dollars in this foreign-aid bill are going to go to anybody else but the Contras, and that is a fact. In fact, 25 percent of the money in this first vote will go to the Sandinistas, and let nobody try to explain that that is not the case, because I ask the Members to show me one Communist country anywhere in the world that allows free and independent agencies to make independent decisions of how those dollars we are going to give to the Ortega brothers, that we allow them to distribute that money as they see fit, and believe that is going to go to children that need help. Come on, who are we kidding?

This is a mini-Marshall plan for Central America before the war is over. Who are we kidding? Who are we kidding to send money we do not have to both sides before the negotiations have in fact ended? This is crazy.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the Speaker.

Mr. WRIGHT. Mr. Chairman, my friend from Texas knows of my affection for him. I had not intended to get into this debate, but for anyone to stand in the well of this House and say that the plan that our colleagues put together carefully gives money to the Ortega brothers to distribute in any way they want to is just lying, or he does not understand it. So I must say the gentleman from Texas does not understand it.

We have read it repeatedly. It has been clear, unequivocal, unambiguous. The money does not go to the Ortega brothers, and to say so is to commit error. I know the gentleman would want that corrected.

Mr. STENHOLM. Mr. Chairman, let me say this: I deeply respect you, Mr. Speaker. If I am in fact in error, it is because of error of judgment. I can read the same language as well as anyone else can read it, and I believe I stand by my previous statement. If we must disagree, we must in fact disagree. But that is for all of us to

decide on the floor of the House. I have to cast my own vote, and I certainly do not believe that I am lying by that which I have stated.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield so that I might read the language of the bill?

Mr. STENHOLM. I yield to the Speaker.

Mr. WRIGHT. "Children's Survival Assistance.—There are hereby transferred to the Agency for International Development, \$14,560,000 of unobligated funds from the appropriations accounts * * * which shall be made available to provide medical care and other relief for noncombatant children who are victims of the Nicaraguan civil strife."

It says further that "distribution of these funds shall be given to organizations presently providing similar services such as the Catholic Relief Services, International Committee of the Red Cross, CARE, United Nations Children's Fund," and so forth, "and the Pan-American Health Organization."

I think the gentleman surely would know, and if not, I think that others know, that these organizations are not under the aegis or control of the Ortega brothers, and that surely that which is delivered by our Agency for International Development is not under their control.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

Mr. STENHOLM. Mr. Chairman, may I ask the gentleman if I may have an additional 2 minutes?

Mr. EDWARDS of Oklahoma. Mr. Chairman, may I ask how much time is remaining on either side? I think it would be fair if the other side would yield some time to make up for some of the time the Speaker has used.

The CHAIRMAN. The gentleman from Oklahoma [Mr. EDWARDS] has 9 minutes remaining and the gentleman from Michigan [Mr. BONIOR] has 11½ minutes remaining.

Mr. BONIOR of Michigan. Mr. Chairman, I yield an additional minute and a half to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me this additional time.

Mr. Chairman, I have been reading the same language in the bill that the Speaker has just quoted, and it is my interpretation that no one in this House casting a vote for this substitute bill can beyond a reasonable manner of doubt assume that money dispersed in a Communist country to those organizations will in fact be free and independently dispersed. That was my point, and I continue to stand by that point.

Mr. Chairman, I would conclude by saying that the major reason for op-

posing the substitute bill today comes in section 12, in which it says: Consideration of Additional Assistance for the Nicaraguan democratic resistance. Do we really want to cast a vote in this House to shift foreign policy from the State Department to the Intelligence Committee of this House? Do we really want to shift, as we will do if this substitute amendment passes, from the Speaker of the House to the President or from the President to the Speaker of the House? I believe that this presents grave constitutional problems.

For the reasons above, I believe that this amendment or this substitute is a foreign-aid bill. I respectfully still call it a foreign-aid bill, not a Contra-aid bill, because although one-third of it goes to the Contras, the rest of it does go to foreign aid, of which 25 percent of it could show up in the hands of the Sandinistas before the negotiations are over.

Mr. Chairman, I respectfully ask that my colleagues defeat the substitute bill.

Mr. BONIOR of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Democratic substitute. I was one of the ones who helped shape this package, and as it began to take form, I went over the elements of our efforts on three different occasions with the leaders of the Nicaraguan resistance, the Contra leadership. We had three different meetings. They gave me their responses orally, and to make their position and their authority clear, they put it in writing.

On February 24, the Contra leadership composed and delivered a letter written over their letterhead, addressed to five of us on the Democratic task force which was then drafting this response. There were, said the Contra leadership, three essential elements to any package of effective aid to them.

First, they said the aid must be delivered by a credible U.S. Government delivery system. In this connection, the Contra leadership made it absolutely clear they could care less whether this aid was delivered by the Department of Defense or by the CIA. All they said they needed, wanted, or sought was the U.S. Government to back up the delivery system, and that is what we provided for in this resolution.

Second, they asked that any package of aid specifically include and provide for communications equipment so that they could maintain command and control of their forces. Without this kind of aid, they said, "a cease-fire cannot be put into effect."

I asked them expressly, "How much aid do you need for this purpose, for communications equipment?"

They answered me specifically: "\$250,000 before cease-fire and \$750,000 during the cease-fire period." And that is exactly what we have provided for in this package, exactly what the Contra leadership sought.

Finally the leadership of the Nicaraguan resistance asked as a request, as the third essential element, for an expedited vote in the month of June revealing the overall situation. That is what we provided for in section 15 of this resolution.

So this resolution, the Democratic substitute, meets the requirements of the Contras, the Nicaraguan Resistance, as their own leadership defined those requirements, those essential conditions.

But it does more than satisfy the Contras. In effect, it threads three needles. First, it says to the Contras that as aid goes along, they will not be abandoned in the field. It recognizes that the Contras will be useful in leverage if they remain intact and in force while the negotiations go on, but at the same time it says, "We expect you to negotiate in earnest and in good faith."

It says to the Sandinistas on the other hand, "If you are unwilling to negotiate in good faith, another day of judgment awaits you, and it will come soon in the month of June." And it says to the Central American Presidents, to President Arias and his counterparts, "We support your efforts to bring peace and democracy to Central America. We are not going to abandon the Contras, but at the same time, while we try to make the peace process work, we are not going to fuel the conflict."

Mr. Chairman, this is a good package, and I urge support from Members on both sides of the aisle.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I rise in opposition to the Democratic measure. The Contras cannot defend themselves by means of Band-aids.

Mr. Chairman, I rise in opposition to this measure which offers only a paltry sum of humanitarian assistance to the brave Nicaraguan freedom fighters. They cannot defend themselves with beans and Band-aids against the most militarized nation in Latin America. I share the concern of this body for peace in the Central American region but I strongly believe that we cannot be naive about the totalitarian nature of Nicaragua under Sandinista domination. True peace cannot result from a nation under tyranny with the continued intervention and participation and partnership with the Soviet Union.

Do we remember that the United States provided Nicaragua with \$78.1 million in economic assistance following the success of the

Sandinista revolution? Can we recall that President Carter suspended an additional \$75 million in aid in January 1981 following revelations that the Sandinistas were arming the Marxist guerrillas of El Salvador? And now we are about to provide \$14.6 million for aiding children injured or displaced by the war, part of which will benefit the Sandinistas. Haven't we learned our lesson?

From the first days of the Sandinistas as a political movement, they have attempted to export their revolution and subvert other area governments, persecuted the church—except those ministers who are allied with the Sandinistas—and imposed censorship on the media and strict control of most aspects of Nicaraguan society. They have even attempted to wipe out an entire culture by forcibly relocating members of the Misquito Indian society.

When Somoza left the country in 1979, he had a military force of about 14,000. Today, the Sandinistas are over 120,000 strong and they continue to receive new, advanced helicopters and other military equipment from Cuba and the Soviet Union. In fact, we all know that Defense Minister Humberto Ortega confirmed the statement of Maj. Roger Miranda that the Sandinistas plan another huge military buildup which would bring 600,000 Nicaraguans into the armed forces. That means one in every five Nicaraguans will be required to serve the ambitious aims of the Sandinistas. And, according to Major Miranda, the Nicaraguans developed this plan soon after they signed the Guatemala peace accords.

We can no longer ignore that the Sandinistas will do anything to keep themselves in power even to the point of mouthing soothing words of "peace". That is why I voted for the President's original package of military and humanitarian aid to the Nicaraguan freedom fighters. Without this pressure, no concessions towards cracking the totalitarian Sandinista society would be possible.

The Sandinistas were brought to the negotiating table because of the growing strength of both the peaceful and armed opposition to Soviet and Cuban plans for Nicaragua. Was it mere coincidence that before every Guatemala peace accord deadline the Sandinistas miraculously came up with new concessions? Did we also happen to notice Daniel Ortega's hardline reaction to the February 3 vote? He suggested that the political opposition should have no role in Nicaraguan society. Yesterday, in another about-face, Ortega came up with a new concession for direct talks with the resistance inside Nicaraguan territory. Let's give the opposition something to negotiate with—not surrender instructions.

Mr. Chairman, I urge my colleagues to defeat this capitulation package and support the Republican alternative as the way to regain leverage in the negotiations. Peace without freedom is slavery.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the choice we face in Nicaragua is very clear. It is between freedom and communism. Unfortunately, what we are faced with today is an attempt to cloud this issue. It seems opponents of Contra aid simply do not have the courage to accept the consequences of their previous actions—of their decision to abandon the Contras, our only hope for freedom in Nicaragua.

So what do they do? They bring out a package containing a token amount of humanitarian assistance. A package which they proudly claim contains the first American aid to the "people of Nicaragua since 1979." But we should not be deceived. Their substitute amounts to a joke that provides bandages and bananas to the poor peasants that will be fleeing the tyranny which they will have allowed to take hold, and it is reparations to the thugs running Nicaragua. In short, this proposal represents more of the same old politics and tired political sloganeering. "Give peace a chance" is what we hear, but if we adopt the substitute, we will only give communism a chance.

Mr. BONIOR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise in support of the Democratic proposal.

Mr. Chairman, I rise in support of the humanitarian aid package offered today to assist the Contra forces in Nicaragua. I sincerely hope that my colleagues on both sides of the aisle will support it as well.

Since 1984, I have been working closely with a small group of House Members seeking to fashion a truly bipartisan, long-term United States policy in Central America. I am optimistic that a vote today for humanitarian aid will mark an important step in accomplishing that goal. I know that for many of you this vote will not be easy. I recognize that Members on both extremes of the debate, from the strongest supporters to the most critical opponents of Contra aid, are being asked to compromise and to accept a more moderate course. Nonetheless, I hope that all Members understand that this package offers the only promise of peace.

I am partially responsible for today's vote. Last January, along with 19 of my colleagues, I signed a letter to the President asking that he delay the military aid request that this House ultimately rejected on February 3.

Obviously, however, the President ignored our request, and he lost as we warned. After failing to persuade the President, we approached Speaker WRIGHT to seek a guarantee that a second vote on humanitarian aid would be allowed should the President's request be rejected as it was. When the guarantee was made, I opposed the President's package. I said no to a military aid request during a delicate time in the peace process when such aid would likely destroy it.

So here we are today, 1 month later, voting again on aid to the Contras. But this is a different kind of aid and its passage will have a

fundamentally different kind of impact on the peace process.

The package before us appropriates \$30.8 million in assistance over the next 4 months—\$14.56 million for food, clothing, and medicine for the Contras; \$14.56 million for medical assistance for children, on both sides of the conflict, who are victims of the war; and \$1.44 million for humanitarian aid to the Miskito and other Indian groups in Nicaragua.

In addition, this package transfers authority to deliver the aid from the Central Intelligence Agency to the Department of Defense. All aid would be inspected onsite by the House and Senate Intelligence Committees and the General Accounting Office. If the Sandinistas and Contras agree to a cease-fire, delivery would be transferred to an international voluntary agency, such as the Red Cross.

Finally, the package cuts off delivery of previously authorized, but undelivered lethal assistance and provides a mechanism controlled by Congress for a vote on more aid sometime this summer.

Given these provisions, I am satisfied that the proposal offers the balance and compromise needed to nurture and to sustain a bipartisan United States policy in Nicaragua and Central America. It reconciles the two principal, but opposing concerns that further aid to the Contras will upset the peace process and that more aid is needed to pressure the Sandinista government.

By cutting off existing authorization of military aid, limiting any new aid to food, clothing, and medicine, and eliminating the role of the CIA in delivery, the package addresses the principal concerns of Contra opponents. It has the support of President Arias of Costa Rica, the author of the Guatemala accords, and guarantees that the peace process will continue. In addition, the \$14.6 million for medical treatment of all children who are victims of the war introduces a new, responsible dimension to U.S. policy.

On the other hand, the package asserts reasonable pressure on the Sandinistas to comply with the peace plan—the principal concern of Contra supporters. The aid would be provided before a cease-fire is agreed to, thereby deterring the Sandinistas from stalling during negotiations. Also, it further encourages the Sandinistas to negotiate by shifting delivery of the aid to an international organization, such as the Red Cross, should a cease-fire commence. Finally, the provision for a summer vote signals to the Sandinistas that we retain the option to change course should progress toward democracy in that country be unsatisfactory.

Mr. Chairman, before concluding, I would like to comment on one other subject that must be part of any sustainable, long-term U.S. policy in the region.

On February 23, I cosigned a letter with 66 of my colleagues, Republicans and Democrats alike and Contra supporters and opponents as well, urging the President to initiate negotiations with the Soviet Union to cease Soviet military aid to the Sandinista government.

To be sure, the United States has legitimate security concerns in Central America. We are all aware that Soviet support of the Sandinistas has been substantial and continues. And it must end.

The only way to cease such aid is by direct negotiations with the Soviet Union. It is clear that, regardless of the level of aid, the Contras are incapable of preventing the importation into Nicaragua of the kind of hardware that would present a threat to our country. Nor are the Contras capable of stemming the supply of arms, as alleged by Contra supporters, from Nicaragua to the armed opposition in other Central American countries.

The press reported during the recent summit between the President and Secretary Gorbachev that the Secretary offered to withdraw or reduce aid to Nicaragua. At this point, the rumor has not been confirmed. It has also been claimed that the Soviets are tiring of their support and in fact refused to increase oil exports to Nicaragua last year, resulting in a serious gasoline shortage inside that country. But whether or not either or both rumors are true, the administration should initiate negotiations. If we can turn off the pipeline, the Sandinistas will be further encouraged to negotiate. I think that all of us here can and should support this effort.

Mr. Chairman, I would like to congratulate the members of the task force who drafted the proposal before us today. It is a sensible package that reflects political reality. Not everyone will be satisfied, particularly those at the extremes who oversimplify the debate. The vote today is not a vote for or against communism, as Contra supporters often claim. Nor is it a vote for or against violence and murder, as Contra opponents allege. And it is not a vote about goals, but about means. It is a vote on a package that seeks to apply subtle pressure during a delicate stage of diplomacy in order to obtain our goal of democracy in Nicaragua in the surest and most effective way.

I urge a "yes" vote.

Mr. BONIOR of Michigan. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise in strong support of the Democratic plan.

Mr. Chairman, I am sure that many of my Democratic colleagues are hesitant to vote for any assistance for the Contras. I share that hesitation. However, I will vote for the Democratic plan today because it is the next step on the road to peace and its alternative, the Republican plan, provides military aid for the Contras.

I have heard from constituents who feel that this plan is a betrayal of our work to promote peace in Nicaragua. This is not really the case. We Democrats are working for peace, but we have realized that we must proceed toward our goal gradually if we are to ultimately succeed.

Our struggle to end Contra aid has been difficult. Once we lost a vote because we pursued an "all-or-nothing" strategy, and military aid for the Contras was approved. But since the Central American peace plan was signed last August, we have been moving ahead steadily toward peace.

One month ago the House rejected the Reagan administration's request which included lethal military aid. Today, by passing the

Democratic package we will be assuring that no military aid of any kind, lethal or nonlethal, will be approved. This is important progress.

What would happen if we were to try to immediately cut off all aid to the Contras? Well, we could pat ourselves on the back for being morally pure; but in the mean time the Republican package of military aid would be passed, and thousands more would die in Nicaragua. Make no mistake about it. To block continued military aid for the Contras we must vote for the Democratic package.

The Democratic package will not bring immediate peace to Nicaragua. But it will provide help for the Nicaraguan children injured in the conflict, and it will move us ahead toward our goal of ending the conflict in Nicaragua.

Mr. BONIOR of Michigan. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, first of all, let me point out that 30 days ago I voted against the Contra aid package that was on the floor at that time. I did so because it contained military assistance, which was clearly in violation of the Arias peace plan.

The plan before us today, Mr. Chairman, neither abandons the Contras nor violates the peace process. I urge my colleagues to support it for those reasons.

Unfortunately, during these kinds of debates the rhetoric gets a little hot on both sides of the issue, and there are two points I want to speak about that I think need some additional clarification.

As one who is involved in this task force, let me just point out again for those who are concerned that if we are going to involve the Department of Defense and uniformed servicemen in the delivery of this aid, I categorically reject that, and I call the attention of my colleagues to section 6, subsection (b) where it clearly states unequivocally that the Department of Defense would enter into contracts with those people that are currently delivering this assistance.

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I repeat, there is no way that uniformed military personnel from the United States Government will be involved in the Nicaraguan delivery of this assistance, none whatsoever. I think the language in the act is very clear on that point.

Again I refer you to section 6(b) of the legislation before us where it is very clearly stated.

The other point, Mr. Chairman, that I want to bring the attention of the Members to is section 10, the Children's Survival Assistance Act. Some of my good friends are deeply concerned, as I would be, if we were talking about giving assistance to the

"Nicaraguan Government," the Sandinista government.

Mr. Chairman, we are not doing that. I would submit that those people appointed by President Ronald Reagan to run the Agency for International Development are not about to give any of this money to any agency within Nicaragua that is not going to be doing what they are supposed to be doing, and that is helping children, the victims of this war, with the money we are talking about. Not a dime of this money would fall into the hands of the Sandinistas if the President's appointees running the Agency for International Development do it right and pursuant to the language in section 10. So I think it is very important for us, Mr. Chairman, to set the record straight on those two points.

If there are some concerns about exactly what we mean on these two points, this is the kind of thing that can clearly be clarified in a conference committee. There is no reason why we should vote against this proposal for those two reasons.

Beyond that, Mr. Chairman, let me just point out that today is sort of a historic day in that for the first time many Members of this body who have never voted for aid to the Contras are doing so.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, I rise in opposition to the Bonior substitute.

Mr. Chairman, although I commend the speaker for putting together a package which I believe the majority of the Democratic Party will support, I am quite frankly, very disappointed, that a truly bipartisan package, which could be supported by the vast majority of Democrats and Republicans in this body was never seriously considered. There was a real opportunity for such a package to be put together when the Democratic alternative package was pulled from consideration last week. As usual, though, we let partisanship get in the way of forging sound bipartisan foreign policy.

I have two fundamental problems with the Bonior substitute. First, it ignores the President's role in making foreign policy and second, the substitute allows the Department of Defense to deliver aid to Contras, whereas that responsibility clearly falls under the purview of the CIA.

It appears to me, Mr. Chairman, that we have already forgotten the lessons of the Iran-Contra affair. As the report states in its executive summary, "the policies of the United States cannot succeed unless the President and the Congress work together." The report also states that "the principal recommendations emerging from the investigation are not for new laws but for a renewal of the commitment to

constitutional government and sound processes of decisionmaking." This premise is certainly overlooked in the substitute—it doesn't even permit the President to trigger the cease-fire certification. This is clearly a breach of separation of powers and it is an impediment in creating sound foreign policy.

Second, under the Bonior substitute, we have a CIA operation for delivering the aid in everything but name only. I would like someone to tell me why using the Department of Defense as cover for a CIA operation is good policy? Isn't this legislative slight of hand, the type of thing that makes our constituents so cynical about the congressional process? We had a similar scenario under the Hamilton amendment a few years ago when we set up an agency within the State Department to deliver humanitarian aid to the Contras, and we all know what a disaster that was. Why repeat the same mistake? Doesn't the Iran-Contra report talk about the need for clear lines of authority and the delegation of responsibility. How soon we forget.

Let me finally conclude by saying that it is difficult for me to vote against the Speaker for whom I have the highest respect. But today, I have been put into a position of choosing between the Speaker or the President on a very important foreign policy question. I have stood by our President on this question in the past, and in good conscience I must stand by him again, today.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman from Michigan for yielding this time.

Mr. Chairman, I rise in support of the Bonior substitute and in support of the final passage of the Bonior substitute, if it passes.

Like many in this body, I have labored hard over the last few weeks on bringing us to where we are now. I want to say that it has been an experience that has made me very proud of this institution, because I have seen people on all sides come together to look for what can give us peace in Central America and what is our right position for peace in Central America. I know those were tough decisions to be made by people from all sides.

I want to say thank you to those people who came together within this compromise who had previously voted with the President for military Contra aid that did not work for peace. They said this did not work for peace and we are willing to work for a compromise that will work for peace. So they said we are willing to make a very tough

vote at home because we are willing to take a position for peace.

I want to say thank you to the overwhelming number of people of this body, especially in my party, who have consistently opposed all Contra aid, who said that did not work because we always lost in the vote, and what happened when we always took the position of opposing all Contra aid is the President's package always passed, and then those things that kept the war going in Central American kept happening, so we are willing to take the very tough position at home of saying that we will go for the alternative, for the Bonior alternative that will give us a chance for peace.

Why does it give us a chance for peace? Because what the Bonior alternative does is keep the Central America peace process going. As President Arias said, the Bonior alternative meets the letter and the intent of the Central American peace process. If the Bonior alternative goes down, then those things that follow are outside of the Central American peace process and they go back to war in Central America.

So those members of our coalition who have come together for peace from the side who have previously been on the President's side and whose side I have always been on, who oppose Contra aid, that said no, what we will do is come together and come up with a package that will truly give us peace.

Thank you for your courage.

If the Bonior package goes down, then the package to follow will surely pass, that is undebatable, that will provide military aid and will blow the peace process apart, and that terrible war that has cost 40,000 deaths in Central America and Nicaragua will continue to go on.

Please vote for what will make the Arias peace plan have a chance to work. Please vote for that thing that will stop that war.

I have before read on the floor a message taken from a reporter that went to an orphanage in Central America where children who are orphans because of their parents dying in the Nicaraguan war were.

Tom Weber from the San Francisco Chronicle said, and let me read that:

Sleep would not come. There were about 16 children in the room, both boys and girls, and the sounds of their sadness made sleep impossible. Some wept in their sleep or hummed their lonely tunes in a harmony of sorrow that I never heard before.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LOWRY of Washington. Mr. Chairman, I ask unanimous consent to proceed for another 30 seconds, because these people over here were making so much noise.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. EDWARDS of Oklahoma. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield the remaining time to myself.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 5 minutes to close debate.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I will not take all the 5 minutes. We have certainly had enough debate on this question.

Mr. Chairman, a month ago this House voted on a proposal to provide aid for the Contras. We had been promised an honest up-or-down vote, but when the gentleman from Michigan [Mr. BONIOR] discovered he did not have the votes to stop Contra aid, conservative Democrats were told, "Wait. We have a better idea. We will give you a better option."

This is a better idea?

The Bonior substitute will send cash money instead of supplies, money that will be impossible to trace and that will almost certainly fall into the hands of the Sandinista government, and it will through Government-controlled relief agencies.

Do you remember how upset you were when we could not trace the money we sent to the Contras, how you insisted on accountability, and you got it? Now you propose to get us back into the same mess again. That is a better idea?

Remember how concerned you say you were about the slippery slope of United States involvement in the war in Nicaragua? Now you propose to send the United States military to run the war in Nicaragua. Are you serious? That is a better idea?

You are going to vote to involve our military in that war?

Mr. Chairman, the Bonior amendment would tell the Sandinistas not to worry. There is not going to be any future military assistance to the Contras, no future pressure on the Sandinistas who have complied neither with the Arias peace plan nor with the Byron-Chandler resolution that was adopted by this House; no future pressure on the Sandinistas who according to the Permanent Commission on Human Rights continue to imprison and torture potential political opponents; no future pressure on the Sandinistas who in the past 48 hours have fired Cardinal Obando y Bravo as the peace negotiator and abolished the Ministry of Justice and turned Nicaraguan justice over to the secret police.

How can Mr. Ortega do such outrageous things? It is because he knows that apparently nothing he can do will bother some Members of this House.

This is the Bonior amendment, Mr. Chairman, an amendment supported by the lobbyists for the Sandinista government in Washington and by all the leading opponents of using pressure to bring peace and democracy to Nicaragua, and because they hate the CIA so much they are turning the war effort over to the United States military.

Mr. Chairman, this ridiculous amendment, which is now nothing more than a foreign aid package, is a camel designed by a committee wearing blindfolds, and it looks like it.

I cannot imagine how anybody on either side of this issue could vote for this amendment. I urge my colleagues to vote "no."

Mr. KOSTMAYER. Mr. Chairman, today many of us are preparing to cast one of the most difficult votes of our careers. This will be our first vote ever in favor of any form of aid to the Nicaraguan Contras. It goes without saying that this is a very, very difficult vote for those of us who have opposed, and still oppose, the Reagan administration's Central America policy.

I have received hundreds and hundreds of letters from the people in the Eighth District of Pennsylvania who support my position against military aid for the Contras. And I hope and believe that they will understand that I am not voting for this proposal because I believe the Contra war is a constructive policy. On the contrary, I would prefer to vote against this package and any further Contra aid.

But the hard reality is that there are no good choices before us.

If we vote against this humanitarian aid package now, we'll end up with a military aid package later. Unless this proposal is approved, we just won't be able to hold together the fragile coalition that defeated military aid on February 3. In other words, the only way we can reach a consensus against military aid is to reach a consensus in favor of humanitarian aid. It's that simple. It's a compromise, Mr. Chairman, the purpose of which is to preclude military aid.

Irony as it is, if our strategy is to end the Contra war and Contra aid, our best tactic is to support this humanitarian aid package today. That is why so many House Members who have opposed previous aid proposals, as I have, will soon be voting for humanitarian aid.

Mr. Chairman, it is also important to note that the Democratic humanitarian aid package is not like the administration's humanitarian aid packages. There are no helicopters, no jeeps, and no lethal-aid delivery funds.

The Democratic package totals \$30.8 million. It contains \$14.8 million for food, clothing, and medicine for the Contras. It also contains \$14.6 million in medical aid to the innocent children who are victims of the war.

This children's survival assistance money may be used only for emergency health services. It will provide artificial limbs and rehabilitation services to the 2,000 Nicaraguan children who have lost limbs in the war. It will provide assistance to some of the more than 10,000 Nicaraguan children who have been

orphaned by war, and anesthesia for hundreds of children who, up until now, have had to undergo painful surgery without any pain killing drugs at all. This package is more children aid than Contra aid.

The choice is this: the Democratic package or military aid. And of the two, the Democratic plan is clearly better.

Mr. Chairman, I will not cast my vote for this package with enthusiasm. But I will cast it with the hope that this vote will ensure that the days of U.S. military aid to the Contras are gone forever.

Mr. AUCOIN. Mr. Chairman, I stand in opposition to any further aid to the Contras.

So long as the Contras continue to engage in attacks on civilians in Nicaragua it doesn't matter what the aid is called—"nonlethal," "humanitarian," or "sustenance." It doesn't matter who puts together the package—Democrats, Republicans, or the capitol garden club. And it doesn't matter who delivers it—the CIA, the Department of Defense, or the Pony Express. Aid to any army conducting lethal operations is lethal aid, and Congress should have no part of it.

Mr. Chairman, for the last 7 years this Contra war has been a travesty of foreign policy and a tragedy for the people of Nicaragua. It was conceived in the shadow of secrecy and pursued in the darkness of death and destruction against civilians. We put guns in the hands of children down there and we put documents in the shredder up here; 40,000 in that country have died, and faith in the democratic process and the rule of law in this country has been sorely tested.

Nothing we can do today will restore to their families the lives of those killed in this war. Many were children; they are missed, and they will not be forgotten in our lifetimes, nor will the circumstances under which they died. We will reap a harvest from the suffering we have sown for many years. Surely the least we can demand is that the attacks on farms, clinics, schools, homes, and other civilian places stop before we reward the attackers with more assistance. Once hostilities cease, I will not hesitate to support truly humanitarian aid to those in need who renounce the use of indiscriminate violence to obtain their ends.

We need a new policy in Nicaragua, not the perpetuation of a failed policy. A new policy will reject the war and encourage the peace process. It will include talks between our Government and the Nicaraguan Government about the whole range of problems that confront us, including security concerns and opportunities for economic cooperation. It will encourage the reintegration of the Contras into the political life of Nicaragua. It will work for economic growth and development throughout Central America. It will recognize the historical realities of Central America, where for too long tiny minorities in control of wealth and resources have slammed the door of opportunity in the faces of the majority, leaving a bitter legacy of oppression and injustice.

In my view, neither choice offered here today meets these tests, and for that reason I oppose them both. I am ready and eager to work for an alternative which promises to restore peace to Nicaragua and the United States to our highest values.

Mr. ATKINS. Mr. Chairman, I rise in support of the Democratic package. It is with great sadness that I do so. I have never voted for any form of aid to the Contras, and I am fully convinced that the Reagan administration's policy of creating and arming the Contras has led to more war, more bloodshed, and more poverty and dislocation in Nicaragua and the surrounding countries.

Thus, I am extremely skeptical of any provision of aid to the Contras, that must be passed through the Department of Defense, even if it is only food and medicine. But I have become convinced that the alternatives to this package are much worse. It is clear that, in the political climate of this House today, defeat of the Democratic package would ensure passage of the Republican package of logistical aid or a future Presidential request for lethal aid.

I wish that I could vote today for a package that provides for the final resettlement of the Contras in a peaceful and democratic Nicaragua. But that choice is not yet available to me. So, until that day, the Democratic alternative offers the best hope for resolution of this conflict.

Mr. PANETTA. Mr. Chairman, exactly 1 month ago, this House faced the choice between the administration's military aid package to the Contras or no assistance at all. This House defeated the administration's request for military aid to the Contras that day. Today the choice before us is more difficult. We must decide whether to support a modified humanitarian aid package to aid the victims of war or set a strategy that will result in approving the administration's military aid package. The choice today is military aid or humanitarian aid. By the nature of that choice, it forces approval of an aid package that hopefully begins to heal the terrible wounds of war and moves our Government a small step forward toward facilitating peace in Central America.

The key to finding a peaceful solution to the conflicts in Central America has and will be adherence to the Guatemala peace process led by Costa Rican President Oscar Arias. The basis of our policy in that region must be to work with and respect the other nations of Central America to obtain a diplomatic solution through the peace effort underway. They requested that we stop military aid. We showed respect for the peace process and people of Central America when we defeated a request for military assistance 1 month ago. And the House must continue in that path for peace by defeating any and all military aid requests so that the peace process can continue toward a permanent cease-fire and a return to regional stability.

The time has come to undo the destruction of life fostered over the past 7 years to the tune of \$1 billion. Now is the time for the American people to regain control of our options in Nicaragua. Now is the time to pressure the administration to hold bilateral and multilateral talks with Nicaragua. And now is the time to turn our resources in the region from supplying weapons of war to building instruments of peace.

The bitter choice is that in order to prevent the passage of military assistance to the Contras, we must provide some modified humani-

tarian aid to victims of the war in Nicaragua and the Contras. We now have a congressional majority and majority of Americans working fervently toward peace. We have a strong coalition in the House committed to rejecting lethal and nonlethal military aid. We must retain that coalition.

The Democratic aid package is not perfect and it does not take the preferred step which would be an end to all forms of aid to the Contras. However, this package does make some important strides toward encouraging compliance with the Central American peace plan as well as a necessary step toward an orderly and humane withdrawal of United States military aid to the Contras.

For the first time since 1979, a truly humanitarian aid package will be sent to the people of Nicaragua. President Arias is on record stating that this package is "not inconsistent" with the spirit and letter of the peace accord. This package sets an essential precedent by designating half of the \$30 million for the children, victims of war. Over 10,000 orphans and thousands of youthful casualties have been caused from land mines, attacks on civilian villages and targeting of health clinics in Nicaragua.

This \$14.6 million children's survival assistance will be distributed by the Agency for International Development to private voluntary organizations like the Red Cross and the United Nations' Children Fund already in operation within Nicaragua and along the Honduran and Costa Rican borders to noncombatant children under the age of 15. The aid will be distributed by giving highest priority to those children on both sides of the war with the greatest need for assistance by making available prosthetic devices and rehabilitation, provide medicine and immunization for more than 100,000 children, assist burn victims and provide relief to all Nicaraguan children physically injured or displaced by the Nicaraguan conflict. No funds will go to or through the Government of Nicaragua.

This humanitarian aid package will also include \$1.4 million in assistance to the Miskito Indians through the International Red Cross so long as there is a cessation of hostilities and progress toward a negotiated cease-fire continues. The Miskito Indians and the Government of Nicaragua reached a cease-fire agreement earlier this year.

The Democratic package also includes an immediate end to all lethal aid to the Contras including weapons and ammunition. The leadership of Congress and the GAO will monitor the shipment of food, blankets and medical supplies to the Contras which will be accomplished by DOD private contractors to assure no lethal aid is quietly included. Deliveries will be inspected onsite by officials of the GAO while oversight of the operation lies with the Intelligence Committees of Congress. If a cease-fire is in place before the end of June 1988, then U.S. humanitarian assistance automatically continues through international agencies in accordance with a cease-fire agreement. If no cease-fire is in place by the end of June, U.S. assistance comes to a halt.

The one clear fact is that this war, despite the efforts of the administration is winding down. The humanitarian aid package is not

designed to encourage continued warfare, but to assist those who have fought in the transition to peace. The Contras are not nor will they ever be the solution to the conflict in Central America. That policy has failed for 7 years. And never again will the America people tolerate millions of taxpayer dollars to go unaccounted for and countless spending violations to occur in carrying out this administration's thoughtless policy toward Central America.

The humanitarian aid package that I will support today prevents misuse of the public trust and money. It also prevents the escalation of the war in Nicaragua. This alternative ensures a commitment by our government to economic development, social justice and true humanitarian aid to the children of Nicaragua.

The primary effort for peace in Central America must continue to rest with people of that region, not the United States. A negotiated cease-fire can only be accomplished by factions currently involved in the conflict continuing to meet and work out their differences. American negotiators did not bring about the peace accord; the five Central American presidents accomplished the agreement not imposed on them from the outside and it is up to those leaders to bring about a lasting cease-fire and cessation of the conflict.

Although our vote today will not finally end the war, it can help end the administration's United States military option in Nicaragua. It will strengthen the congressional coalition aimed at supporting peace and ending military aid. It will strengthen President Arias and the peace plan by keeping diplomatic solutions alive. Let today's vote reflect another chapter in the effort to explore every avenue for peace while moving toward diplomacy, human rights and multilateral solutions in Central America.

Mr. MARKEY. Mr. Chairman, we are voting today on the prospects for peace process in Nicaragua.

I oppose any aid to the Contras. The Contra war is morally repugnant to me.

But I am going to vote for the Democratic package, because it is the best way available to wind down the war and push forward the peace process.

The question between Republican and Democratic packages is this: do you want to keep the Contra war, or do you want to keep it going?

The alternative to the Bonior amendment is a Republican package which tells the Contras to balk, not talk, and wait for more lethal military aid. If the Bonior package is defeated, it will not be long before we vote on sending bullets, rifles, mortars and hand grenades to the Contras.

I think we should just say no to Contra aid. But this Congress, unfortunately, is not likely to do that.

So we have a choice between a Democratic approach that tells the Contras to make peace and a Republican approach that tells the Contras to make war.

Since we have officials in the White House and State Department who are determined to wreck the Guatemala peace plan, it is time for Congress to take responsibility for moving the peace process forward.

U.S. TROOPS IN COMBAT

Mr. Chairman, some have claimed that switching the air supply program to the Department of Defense will get our forces involved in combat. That is nonsense.

No Member is more opposed than I to involving American troops in combat in Central America. Five years ago, I offered an amendment to prevent the deployment of United States forces in Central America without congressional approval. Three years ago, I offered an amendment to keep United States forces 20 miles from the Nicaraguan border. Those amendments have developed into the Foley Mrazek amendments. They remain in effect, and they are not in conflict with this bill.

This bill does not allow DOD to do Contra airdrops itself, but to contract for the airdrops.

Let's be honest about what we are talking about. This aid will be delivered by the same contracted planes flown by the same contracted pilots. It will be the same operation on Swan Island, just switched to a different payroll.

And the Nicaraguan Government will, of course, try to shoot them down.

But they will not be CIA planes. They will not be DOD planes. They will be and are Contra planes.

If my colleagues on the other side of the aisle are so concerned about putting American soldiers in harm's way in Central America, why have they been so ready to accept the deployment of tens of thousands of American troops in Honduras on so-called maneuvers? Nonetheless, I welcome their concern, however late, and I am ready to join my Republican colleagues to pass legislation to keep American soldiers out of harm's way in Central America.

And I urge my colleagues to vote for the Bonior package.

It's time to draw a close to the bad old policy of war, war, war, and open a new period of negotiation, reconciliation, and recuperation.

The Democratic package closes the door to lethal aid to the Contras.

It opens the door to genuine humanitarian aid to the victims of the Contra war. It provides medical and survival help to children in Nicaragua, who have been victims of the mortars and bullets and landmines of the senseless Contra war.

It starts us on a transition away from the senseless and immoral policy of Contra war, and toward success for the peace process.

The Democratic package sends a message to administration ideologues like Elliott Abrams and Jose Sorozano who prefer the Contra war to the Guatemala peace plan—that the game is up. It sends a message to Contras like Adolfo Calero and Enrique Bermudez who are making a living off the war—that the party is over. It's time to go back to your condos in Miami and live off your bank accounts in Switzerland.

As far as I am concerned, this is severance pay for the Contras.

And it is the first installment on a constructive program that will finally help the innocent children inside and outside of Nicaragua who have been the victims of this misguided war.

Ms. PELOSI. Mr. Chairman, my vote today is a vote to stop the Reagan policy in Central America and to ensure the continuation of the peace process. I join with my colleagues, Representatives GEORGE MILLER and DAVID BONIOR, whose leadership and tireless efforts for peace in Central America are unmatched, in voting to stop the Reagan policy in Nicaragua.

I am convinced that given the stark nature of the current political situation, a defeat of the Democratic alternative would mean certain approval of a lethal aid package within 2 months. Passage of the Republican bill means continuation of the war; and additional pain, suffering and death for the Nicaraguan people.

In the context of the unfortunate political reality, a vote for the democratic alternative is a vote for peace; a vote against the Democratic alternative supports the President's continued desire to overthrow the Nicaraguan Government and opens the door to further military aid for the Contras. As long as Ronald Reagan is President, the issue of military aid for the Contras will continue to be brought before the Congress. The coalition against the President's policy is fragile—we do not have enough votes to defeat outright this misguided, destructive and wrong policy.

I continue to oppose aid for the Contras. My vote was a vote for peace, not war. Many of the peace groups active in the community I represent, including, but not limited to Countdown, Women's Strike for Peace, Neighbor to Neighbor and the U.S. Catholic Conference have recognized the truly unfortunate reality of the political situation and support passage of the Democratic alternative. I will continue to work in Congress, in our community and around the Nation to change this political reality.

Now what is important is where we go from here. It is essential that the new political reality recognize that economic and true development assistance to the region is crucial and that the embargo must be lifted.

The Nicaraguan Government today made major concessions in the peace process by calling for direct bilateral negotiations to be held in Nicaragua. We must not squander this opportunity for peace.

Mr. BONKER. Mr. Chairman, Members of the House will be asked to make a decision whose significance reaches far beyond the question of whether the United States should provide aid to the Nicaraguan Contras. This vote is of paramount importance to United States policy in Central America as well as to the success of the peace process there. I, for one, believe that United States interests in achieving a negotiated settlement of the conflict in Central America are best served by not providing any assistance to the Contras.

The vote has also become a test for those who throughout the last 6 years have steadfastly opposed any aid to the Contras. Unfortunately, there have been assertions that the more courageous votes will be cast by those who have traditionally opposed Contra aid. In my view this is not, nor should be the issue here; rather, we should be asking how \$16 million in aid to the Contras will contribute to progress under the Arias plan.

The Arias plan calls for the termination of military, logistical, financial, and propaganda aid to armed rebels in the region. The Contras are still armed rebels. A vote in favor of the proposed package—coming barely 3 weeks after a vote to terminate aid to the Contras—would not only send mixed signals to the Central Americans, but contravene this provision of the Arias plan and undermine the peace process generally.

Giving the Contras \$16 million for essentials such as food, clothing, and shelter simply enables them to redirect their resources to the purchase of weapons and logistics. This aid would indirectly allow the Contras to sustain their armed insurgency against the Sandinistas.

And what greater irony than with one hand to provide the Contras \$16 million in aid that indirectly reinforces their war effort, and with the other hand to offer \$14 million in funds to help child victims of the very same war? Assistance to children caught in the crossfire of this conflict is certainly an idea that merits support in and of itself. Such aid would undoubtedly enjoy widespread support if pursued as separate legislation.

I fear that our preoccupation with legislative procedures is increasingly diverting our concentration away from the substance of the peace process. The failure of this package should not necessitate yet another vote on military aid for the Contras. It is the Democratic leadership which controls the House agenda, not the Reagan administration.

The House vote on February 3 to terminate aid was a rejection of Reagan's Contra-based strategy for Central America. This vote finally allowed the United States to join the Central Americans on their path to peace in the region. We must resist attempts to revive a failed policy.

Mr. BRENNAN. Mr. Chairman, today, the House of Representatives will vote again on the issue of further aid to the Contras. I have lost count of the number of times this body has voted on Contra aid in the 100th Congress. I know that we have devoted more time and energy to this issue than any other.

It is with mixed feelings that I feel compelled to cast my vote against the aid package my colleagues from the Democratic Party have put together. I applaud the efforts of the task force members who worked long and hard in trying to craft a compromise acceptable to all persons interested in resolving the conflict in Central America.

Unfortunately, I cannot support the bill. I have been an outspoken opponent of Contra aid, and do not find sufficient evidence in this bill that leads me to the conclusion that it will do anything to stop the killing in Nicaragua.

The package before us today does not first require a cease-fire before aid can be distributed. Nor does it contain any real incentive for the Contras to work for a cease-fire. And while the goods will be delivered not by the CIA, but by the Department of Defense, the difference between the two is largely a change in name only.

But this is not to say that I make this decision easily. I do have one regret in voting against the package: I support the children's survival program provisions of the bill.

Both as a member of the House Select Committee on Hunger and as a Congressman who has traveled to Nicaragua to witness firsthand the situation that country and its people face, I have a deep compassion for the children caught in the conflict. Children suffer the worst punishment in any war, and this one is no different from all the wars that have been fought in the history of mankind.

The \$14.65 million earmarked to helping to ease the suffering of these children is much needed. The money would go to vaccinations, artificial limbs, oral rehydration solution and medicines to fight the high infant mortality rate in the region. The war, and devastation it has wrought, has left its mark on the children. For every 1,000 Nicaraguan children born, 100 will die before the age of 5.

These funds represent the best humanitarian traditions our country has consistently stood for.

I would support a similar children's survival program if one came to the House floor free from the contamination of continued military aid to the Contras.

I welcome an attempt by my colleagues to help the victims of the war in Nicaragua. But I will not support efforts to help the combatants continue operating in the field of combat.

Mr. BROWN of California. Mr. Chairman, I rise today in support of the Democratic alternative Contra aid package. In good conscience, I cannot claim that my support for this package is strong or unqualified. Nor can I state that I am pleased with the situation in which my colleagues and I have found ourselves. After so many years of struggle against a morally repugnant and politically ineffective policy, it is unnerving to find our own party asking for our support for aid to the Contras. Decisions such as this are unpleasant and certainly unwelcome. While politics has been called the art of compromise, I do not find it easy to compromise on the issue of aid to the Contras.

It cannot be denied, however, that the debate over our Nation's policy in Central America has changed dramatically over the past year. The past year has, indeed, witnessed a watershed in Central America. After 6 years of war, repression, and economic decline, we can now look to the development of a fragile process toward peace and political reform. The correlation of forces at work in Central America is vastly different today than in past years, and, concurrently, the correlation of forces here in Congress has also changed. Therefore as we work to preserve and promote the peace process in Central America, it has become necessary to modify our approach to the issue in Congress.

In order to garner the votes needed to defeat President Reagan's most recent military aid package, the House Democratic leadership promised to put forward an alternative package of humanitarian and nonlethal aid to the Contras. This promise was not necessary to obtain my vote against the President's aid package, but it was needed to obtain the slim, eight-vote margin by which military aid was defeated. The Democratic leadership has developed an alternative aid package, which has led to the difficult decision facing this body today.

Although my fundamental desire is to vote against any further aid to the Contras, I recognize the complexity of the situation—both in Central America and in Congress—and have thus sought counsel from the many religious and lay organizations devoted to promoting peace in Central America. While the Democratic aid package has created a split in this community, many organizations have come out in favor of the package. Some of the most prominent national organizations supporting the Democratic alternative include Americans for Democratic Action, Common Cause, Countdown '87, the Friends Committee on National Legislation, the U.S. Catholic Conference, the Washington Office on Latin America, and the Presbyterian Church. These groups, as well as the many others supporting the Democratic alternative, represent an impressive degree of authority—both moral and academic—on Central America. I trust their judgment, and have found the reasons they put forward for supporting the Democratic alternative to be persuasive.

The most compelling of these reasons is the simple fact that approving the Democratic alternative may be the only means of forestalling a Republican package that would pave the way for military aid. There is side agreement that if the Democratic alternative is defeated, the crucial swing votes on Contra aid will fall in favor of the Republican aid package. The choice, therefore—as unpleasant as it may be—is not between no Contra aid and some Contra aid, but between two significantly different packages, one of which is almost certain to be adopted. While we are unable to prevent any further aid to the Contras, we can ensure that this aid is not detrimental to the Central American peace process. Costa Rican President Oscar Arias has, in fact, stated that the Democratic alternative is "not inconsistent" with the peace plan he authored. Ensuring the continued progress of the peace process must be our highest priority at this time. Supporting the Democratic alternative is the best means of accomplishing this objective.

By providing medical aid for children who are the victims of the Contra war, the Democratic alternative recognizes our obligation to the people who have suffered so much at our hands. Nearly half of the aid, or \$14.6 million, appropriated under the Democratic alternative would go toward a child survival fund for medical and prosthetic services. Children have been the hardest hit and most innocent victims of the war in Nicaragua. The United States—Democrats and Republicans alike—bear responsibility for these children, and the Democratic alternative would provide care for one of the most unfortunate results of the Reagan administration's war against Nicaragua. This would be the first United States aid to the people of Nicaragua since 1979, and would, in my view, represent a positive change in our Nation's approach to Nicaragua.

Finally, in the context of the political battle at home, approving the Democratic alternative would continue the process through which the initiative on Central American affairs has shifted from the administration and its Contra war, to the Congress, with its emphasis on indigenous diplomatic efforts such as the Arias

peace plan. In contrast, the Republican package would allow President Reagan to request additional military and nonlethal Contra aid after little more than 1 month. According to the widely respected Washington Office on Latin America, "There are important differences between the Democratic and Republican alternatives. * * * The latter turns back to a failed policy. The Democrat package, in contrast, sustains the movement out of our present straits. It offers hope that from here the United States may develop a policy consistent with its responsibilities in the region."

We must sustain the fragile coalition in the House of Representatives through which we were able to defeat President Reagan's original aid package. Approving the Democratic alternative will continue our efforts to change the direction of United States policy in Nicaragua, and further assure that there will be no more military aid to the Contras. These must clearly be our top priorities, and they can be best achieved by approving the Democratic alternative.

In conclusion, I must state unequivocally my anguish and distress at providing even nonlethal humanitarian aid to the Contras. Like many of my colleagues, I have strongly opposed the Reagan administration's creation and funding of the Contras. This policy was immoral from the very beginning, and has now proven to be quite plainly ineffective in promoting our Nation's interests in Central America. Despite these reservations, I cannot help but recognize that the Democratic alternative is the lesser of two evils confronting us at this time. By approving the Democratic package we will not only defeat the damaging Republican aid package, but also help prevent the Reagan administration from regaining control over the fate of Central America. Those who have struggled to foster a more humane and effective United States policy toward Central America have made important gains during the past year. While supporting the Democratic alternative Contra aid package does not come easy, I feel that it is, at this time, the best means of safeguarding these gains and preserving the fragile process toward peace and freedom in Central America.

Mr. WALGREN. Mr. Chairman, today the House of Representatives is considering the Democratic alternative aid package to the Nicaraguan Contras, a package that would provide \$14.6 million of nonmilitary aid to the Contras in the form of food, clothing, medicine, and shelter through June 1988. It also includes an additional \$14.6 million child survival fund, to be channeled through the Agency for International Development and distributed by international relief agencies. This fund would provide emergency medical assistance to the most tragic victims of the Nicaraguan war, children maimed, orphaned and uprooted on both sides of the conflict.

It is important to note that President Arias, architect of the original peace accords, believes that this aid package is consistent with the goals and conditions set forth in the Central American Peace Plan.

The Democratic alternative would provide for on-site inspection of all deliveries to the Contras by the Government Accounting Office. Oversight of the operation would be moved from the executive branch to the intel-

ligence committees of Congress. The proposal would prohibit delivery of all previously appropriated military aid, terminate CIA involvement in the delivery of nonmilitary aid, and include clean incentives for both sides to negotiate. Most importantly, this legislation contains no military aid, lethal or nonlethal, and would allow the peace process to move forward.

Today's vote forces a painful choice for those of us who have believed deeply that American support of the Nicaraguan rebels can only result in unnecessary suffering and fought bitterly against the administration's continued role in the violence there. If I believed that by voting against this package, we could bring an end to aid to the Contras, I would oppose it without question.

However, failure to pass the Democratic alternative will almost certainly result in approval of more military aid in the near future. And, it is a certainty that more military aid would be a fatal blow to the present prospect for a peaceful settlement.

Our choice is not between aid or no aid. It is between two very different kinds of aid. The other choice is the administration's substitute proposal which would not be strictly limited to nonmilitary aid, specify no cut-off date, and set in motion the ability of the President to secure another vote on military assistance as early as May 1988 under expedited procedures in the Congress.

Today's vote follows by 1 month the House defeat of the administration request for \$36.2 million in lethal and nonlethal aid to the Contras by a narrow eight-vote margin. The swing votes on this issue based their opposition on the assurance that the House leadership would offer an alternative providing some strictly humanitarian aid. The present package which includes food, clothing, and medicine for the Contras is the only way to prevent the administration from reclaiming the initiative to secure further military aid.

While I remain generally opposed to Contra aid, I believe that passage of this bill is necessary to avoid further appropriations of military aid and further escalation of the Contra war. I hope that today's vote will promote prospects for peace in Nicaragua and make further aid unnecessary. I urge my colleagues' support for the Democratic alternative.

Mr. KENNEDY. Mr. Chairman, it is with great reluctance that I support the Democratic package to provide food, medicine, and shelter to the Contras in Nicaragua. Unfortunately, politics sometimes provides us with equally unpleasant alternatives, and we are forced into a position of choosing the one that will do the least harm. The Democratic package is such an alternative.

This aid package has been billed as one that will allow the peace process to move forward, and it may possibly do that. But it does not address the issue of third-party or third-country payments to the Contras, which keep that force alive despite the efforts of Congress. It does not provide any real pressure to get the Contras to lay down their arms and go to the negotiating table. And by giving aid in spite of the fact that a cease-fire has not been reached, it violates certain principles of the Arias peace accord.

However, the Republican package will certainly bring the Nicaraguan people deeper into war.

I have always voted against Contra aid in the past because I believe in the principles of self-determination for the Nicaraguans. But today—with the smoke and mirrors that are so common here on Capitol Hill, a vote against the Democratic plan will translate into a vote for the Republican alternative. The notion of sending so-called non-lethal aid, in the form of the trucks and helicopters and communications equipment in the Republican package, is one that I find even more difficult to stomach.

I have reservations about the Democratic substitute, but I support it in an attempt to harm the people of Nicaragua somewhat less. However, I cannot in principle provide sustenance to the Contras as long as they remain combatants. Therefore I will vote "no" on final passage whether the Democratic or the Republican package prevails.

Mr. VENTO. Mr. Chairman, I rise in support of the Democratic proposal before the House. This measure provides \$14.6 million in non-lethal sustenance aid to the Contras to assist them in the transition from being a fighting force to being reintegrated into Nicaragua or resettling elsewhere. This proposal also includes \$1.4 million in earmarked aid for the Miskito Indians and \$250,000 for replacement parts in communications equipment. Significantly, this measure for the first time designates \$14.6 million to aid the children of Nicaragua and other Central American countries who have been the most tragic victims of the war in this region. These funds will be distributed by private voluntary organizations already established within Nicaragua and by organizations operating along the Honduran and Costa Rican borders.

Mr. Chairman, several weeks ago, this House defeated President Reagan's proposal to provide new lethal aid, which would continue the war in Nicaragua and Central America. The House narrowly decided to reject a continuation of the Reagan administration's policy of military confrontation and opted instead to give the Arias peace plan a chance to succeed. The measure which we are considering today is a ratification of that earlier decision. The Bonior substitute amendment will provide truly nonlethal assistance and answer the humanitarian concerns that have persisted.

This legislation endorses a transition; a transition from a failed policy which has led to increased bloodshed and a political stalemate in Nicaragua and throughout Central America, to a policy that leads all parties back to the bargaining table to resolve their differences. The Arias peace plan calls for the repatriation of the Contra rebels, for direct talks between the Sandinista government of Nicaragua and the Contras, and for further democratic reforms by the Nicaraguan Government which will insure full political participation. Objective observation does indicate that real progress is occurring today toward these goals.

If this Congress truly supports the peace process which is continuing in Nicaragua and Central America, we should support the Democratic proposal. It is designed to further that process rather than to prolong the regional military conflict.

The alternative package that the administration is offering in the Republican alternative would fail a "truth in labeling" test. It is designed to continue lethal assistance and equipment and provide yet another vote in about 6 weeks on full-blown military assistance to the Contras. The Republican alternative is the path of armed conflict and rejects the hope for a political settlement that exists in Central America today. We must not turn our backs on the real chance for peace that exists today. This Congress must not break faith with the people of Central America who have endured faulty policies these past years.

Eventually, Congress and the administration will have to address the fundamental underlying causes of the social and political turmoil in Central America. This must be done by providing an appropriate level of economic and development assistance. We will never have that opportunity unless the peace process goes forward. I hope that my colleagues will join me in supporting the Democratic proposal offered by Majority Leader FOLEY.

Mr. GARCIA. Mr. Chairman, again the Congress is faced with a vote on Contra aid. The Democratic leadership has constructed a package quite different from the administration's earlier aid request or the Republican plan in that it doesn't include any lethal aid or military nonlethal aid such as helicopters or trucks. This plan is also different in that the Defense Department would be responsible for dispersal of the aid instead of the CIA. Because of this, I will vote for the alternative.

Certainly, after 6 years of war in Nicaragua it seems evident that a military solution to a political problem will not work. I have consistently opposed military assistance and financial support of the Contra movement. Many diplomatic proposals have been introduced by lawmakers in this country as well as by our counterparts in the Central American region. It is heartening to see so many plans for peace. As Representatives each of us must do our best to evaluate these peace plans and choose which one to support.

The plan I have chosen to support is the Arias peace plan, known as the Esquipulas II agreement, signed last August by the leaders of the five Central American countries. I support this plan because it is comprehensive and provides a structure for steady progress toward peace. The plan has the commitment of the regional leaders and the compliance to the plan has become the responsibility of those leaders.

My conclusion is that I can continue to support the Arias plan by voting "yes." I applaud the efforts of my colleagues to reach such a compromise. My decision was not by any means an easy one, but it is a decision that I believe is the best one under the circumstances.

Mr. ANNUNZIO. Mr. Chairman, I rise to express my support for Congressman BONIOR's substitute to House Joint Resolution 484, a bill to provide United States assistance for the Contras of Nicaragua.

This administration has invested 7 years and over \$200 million, both legitimate and illegitimate, in its efforts to overthrow the Government of Nicaragua. A lot of innocent people have been killed and wounded, fami-

lies disrupted, villages destroyed, and national treasure expended.

We have encouraged our fellow men to form clandestine armies and offer combat to the Sandinista government. We equipped them, trained them, and turned them loose in the jungles of Central America. We hoped that they would succeed. They have not.

The time has come to stop the killing. We have to stop the violence. In the Judeo-Christian tradition, we cannot continue to supply arms and bullets to prolong this endless war.

The people of the war-torn country of Nicaragua need food—they need clothing—they need shelter. They don't need mortars, anti-tank guns, rockets, or rifles. We have a moral obligation to help them. And this bill will do that, by offering strictly humanitarian assistance. This legislation provides \$14.6 million for food, clothing, and medicine, and another \$14.6 million for aid to the children who have been injured in this devastating war. Also, \$1.4 million is provided in aid to the Miskito and other Nicaraguan Indians who have been fighting the Communists in this conflict. The medical supplies, the food, and clothing are urgently needed. Let us open our hearts and help.

I must say that I do not trust this administration to administer this humanitarian aid. Their record does not give any of us confidence. I don't want the CIA, or NSC, or "Ollie North networks" to have anything to do with this money. I want it to buy the necessities of life for those people in need. I don't want it to end up in a Bahamas bank or a Swiss account.

To insure that this money will go for the purpose which Congress intended, this bill provides for on-site inspections by the General Accounting Office and the Intelligence Committees. So long as there is a cease-fire in effect, these supplies will be distributed by a nongovernmental humanitarian group—like churches or the Red Cross—which have always been there in times of need and distress.

Americans have always responded to the needs of people in trouble anywhere in the world. We will respond to these people, and we will help them. Although we give them our humanitarian support, we can't condone the shooting, the burning, the destruction which our arms shipments have encouraged.

Mr. Chairman, I am for humanitarian assistance to provide food, medical supplies, clothing, and the necessities of life. I support assistance for the innocent children who have been victims of this cruel war, and I urge my colleagues in the House of Representatives to support this humanitarian aid proposal.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the substitute offered by the majority leader. By now, we are used to hearing that support for Contra aid resolutions is "reluctant." My own misgivings arise because I recognize that this is a short-term solution to a long-term foreign policy problem. But at least we are willing to face up to that problem. The majority leader and the chief deputy majority whip have kept their word. We said we would provide an alternative to the military package developed by Elliot Abrams and we have done so.

There are widely divergent views in my own party. As one Member, I have never believed that Contra aid by itself—no matter what the amount, no matter how it is described—constitutes a policy that will advance our interests or set the scene for an end to the war. But I recognize that aid that is truly humanitarian—no spare parts, no CIA delivery—poses no immediate threat to the peace process.

In particular, there are two aspects to this substitute that I fully endorse. First, I am pleased that we have finally returned to explicit references to the need to provide economic assistance throughout Central America. Every reputable study of the causes of political instability in the region has called for such an approach. Yet none of the aid requests brought forward by the White House treats the Kissinger Commission as anything more than an afterthought or a sweetener to bring in more "swing votes".

Second, I think it is wholly appropriate for the Intelligence Committee to issue the cease-fire finding after June 1. We will need a reasonable assessment of the situation in Nicaragua on that date. I will be blunt—I cannot believe that this administration will ever find that noncompliance with the Arias plan is anyone's fault but the Sandinistas. We assuredly need to help the innocent victims of this war—and this substitute does that. But most importantly, we need to ensure that our policy is moving forward, by carefully outlining the conditions even for considering additional aid in the future and then by reviewing those conditions objectively.

I urge my colleagues, particularly those whose reluctance to vote for Contra aid of any kind is even greater than my own, to support this substitute.

Mr. McMILLEN of Maryland. Mr. Chairman, in assessing United States policy toward Nicaragua, far too much emphasis is placed solely on the issue of aid to the Contras. There are other important factors in U.S. policy that are overlooked or ignored in the debate, to the detriment of American interests. To view U.S. interests in Central America and the needed policy actions only in the context of whether or not to support aid to the Contras is a classic case of "missing the forest for the trees" as there are more significant global issues concerning Central America that have received too little attention in Washington.

The first matter that should be addressed is elevating the issue of Central America at the bargaining table. General Secretary Gorbachev stated during his summit visit that he is willing to suspend the \$600 million in Soviet aid to Nicaragua. The United States must capitalize on this opportunity and extend negotiations on Central America beyond those between the White House and Congress and to United States-Soviet talks.

Moscow has become more amenable to negotiate on global issues due to its serious economic problems. Hard currency earnings, needed to purchase vital import items, fell over 40 percent in the last years due to the collapse in prices for oil and gas, threatening Gorbachev's economic modernization program: Soviet hard currency earnings of \$26 billion in 1986 were only a third of General Motors' revenues that year. Compounding this

loss in export revenue has been the escalating costs of maintaining Moscow's global commitments, financing its military expenses and initiating a series of internal economic reforms. These considerations have led the Soviets to embrace arms control proposals that before were scorned, and to consider reducing its presence in such areas as Afghanistan and Angola. According to Jan Vanous, president of PlanEcon, a Washington international consulting firm, "The Soviets recognize they are in for hard times and need to become more integrated into the Western financial system so they can get more credit." Despite the obvious opening for United States-Soviet talks to reduce Moscow's presence in the region, American negotiators have rendered little attention to the issue. With the Soviets appearing to prepare for a withdrawal in Afghanistan, the time has come for the United States to push for a corresponding contraction in Central America.

To encourage this Soviet move, the United States must look toward options that have been not yet been considered. While the United States has been funding the Contras and undertaking other measures to alter the behavior of the Sandinistas, Western financial institutions have been lending billions to Soviet bloc nations in funds that have no restrictions, allowing for Nicaragua to be indirectly subsidized by our credit markets. Average monthly lending by European and Japanese banks to the Soviet bloc in 1986 was \$2 billion; 80 percent of which took the form of untied, general purpose loans. Japan alone now provides 40 percent of the Soviet bloc's credit needs. In one case, a consortium of Western banks advanced a \$500 million loan to East Germany. Within days, it was reported that \$20 million was transferred to a Nicaraguan account in Panama. Overall, an estimated \$100 billion has been provided to the Soviet bloc in loans; Moscow's goal for new hard currency borrowing was \$5 billion in 1987, almost double the amount of 3 years ago.

Soviet activity in Western credit markets is becoming more pervasive and sophisticated. For the first time since 1917, the Soviet Union dipped into the public bond market. A Moscow bank raised \$80 million through a Swiss bank controlled by West German financial institutions earlier this year. If the Soviet Union can raise almost \$100 million in the traditionally conservative Swiss bond market, much more will come from other avenues if Western financial institutions cooperate. And as the Wall Street Journal recently commented, "We doubt that the bond prospectus will include information on the targeting" of Soviet nuclear missiles. Or, what percentage of the proceeds will finance weapons for Nicaragua, for that matter.

The next administration will have to better utilize capital as a strategic asset in United States-Soviet policy, to prevent Moscow from financing its guns and butter program of a military build up and internal economic reform through the largesse of Western creditors. It does little good for the United States to suspend aid and trade with Nicaragua and Cuba only to have Western banks counter with loans or the underwriting of bonds. If American troops are to defend Japan and NATO

Europe against external threats, then these nations should not increase the costs of U.S. policy actions in other areas of the globe.

While it would be impossible to halt the flow of capital from the West to the Soviet bloc, it would not be difficult for Western bank loans to be tied to specific, nonlethal projects so that funds could not be diverted for military usage. This would require lending in traditional forms: equipment loans, structured project loans, and other controlled activities. As Senator BILL BRADLEY of New Jersey observed:

The West, while not overstating its importance, should treat its capital as a strategic asset and develop a plan for its flow eastward. The flow of capital should be limited and proportionate to the degree of systematic reform. I question the wisdom of helping the Soviets avoid the choice between civilian investment and military buildups.

If Central America is considered crucial to the United States by the Reagan administration, as it should be, then policy actions for the regions should reach beyond negotiations between the White House and Congress and extend to talks with our allies and the Soviet Union. The United States must now coordinate all aspects of foreign policy with its allies, particularly capital flows to the Soviet bloc, or the West will find itself in the unenviable position of financing both sides of global conflicts.

□ 1730

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 215, noes 210, not voting 9, as follows:

[Roll No. 24]

AYES—215

Ackerman	Carr	Erdreich
Akaka	Chapman	Espy
Alexander	Chappell	Evans
Anderson	Clarke	Fazio
Andrews	Clay	Feighan
Annunzio	Clement	Flake
Anthony	Coelho	Floppo
Applegate	Coleman (TX)	Foglietta
Aspin	Collins	Foley
Atkins	Conyers	Ford (MI)
Barnard	Cooper	Frank
Bates	Coyne	Frost
Beilenson	Crockett	Garcia
Berman	Darden	Gaydos
Bevill	de la Garza	Gejdenson
Bilbray	Derrick	Gibbons
Boggs	Dicks	Glickman
Boland	Dingell	Gonzalez
Bonior	Dixon	Gordon
Borski	Donnelly	Grant
Boucher	Dorgan (ND)	Gray (IL)
Boxer	Downey	Gray (PA)
Brown (CA)	Durbin	Guarini
Bruce	Dwyer	Hall (OH)
Bryant	Dymally	Hamilton
Bustamante	Dyson	Harris
Campbell	Early	Hatcher
Cardin	Eckart	Hawkins
Carper	Edwards (CA)	Hayes (IL)

Hefner	McMillen (MD)	Scheuer
Hertel	Mfume	Schroeder
Hochbrueckner	Mica	Schumer
Howard	Miller (CA)	Sharp
Hoyer	Mineta	Sikorski
Hubbard	Moakley	Skaggs
Hughes	Moody	Slattery
Jacobs	Morella	Slaughter (NY)
Jeffords	Morrison (CT)	Smith (FL)
Jenkins	Mrazek	Smith (IA)
Johnson (SD)	Murtha	Solarz
Jones (NC)	Nagle	Spratt
Jontz	Natcher	St Germain
Kanjorski	Neal	Staggers
Kaptur	Nowak	Stallings
Kastenmeier	Oberstar	Stark
Kennedy	Obey	Stokes
Kennelly	Olin	Studds
Kildee	Ortiz	Swift
Kleczka	Owens (NY)	Synar
Kostmayer	Owens (UT)	Tallion
LaFalce	Panetta	Thomas (GA)
Lancaster	Patterson	Torres
Lantos	Pease	Torricelli
Leach (IA)	Pelosi	Towns
Lehman (CA)	Penny	Traxler
Lehman (FL)	Perkins	Udall
Leland	Pickett	Vento
Levin (MI)	Pickle	Visclosky
Levine (CA)	Price (IL)	Volkmer
Lewis (GA)	Price (NC)	Walgren
Lowry (WA)	Rahall	Watkins
Lukens, Thomas	Rangel	Waxman
MacKay	Richardson	Weiss
Manton	Robinson	Wheat
Markey	Rodino	Whitten
Martinez	Roe	Williams
Matsui	Rose	Wise
Mavroules	Rowland (GA)	Wolpe
Mazzoli	Roybal	Wright
McCloskey	Russo	Yates
McCurdy	Sabo	Yatron
McHugh	Sawyer	

NOES—210

Archer	Dreier	Lent
Armey	Duncan	Lewis (CA)
AuCoin	Edwards (OK)	Lewis (FL)
Badham	Emerson	Lipinski
Baker	English	Livingston
Ballenger	Fascell	Lloyd
Bartlett	Fawell	Lott
Barton	Fields	Lowery (CA)
Bateman	Fish	Lujan
Bennett	Florio	Lukens, Donald
Bentley	Frenzel	Lungren
Bereuter	Galleghy	Mack
Bilirakis	Gallo	Madigan
Bliley	Gekas	Marlenee
Boehert	Gilman	Martin (IL)
Bonker	Gingrich	Martin (NY)
Bosco	Goodling	McCandless
Boulter	Gradison	McCollum
Brennan	Grandy	McDade
Brooks	Green	McEwen
Broomfield	Gregg	McGrath
Brown (CO)	Gunderson	McMillan (NC)
Buechner	Hall (TX)	Meyers
Bunning	Hammerschmidt	Michel
Burton	Hansen	Miller (OH)
Byron	Hastert	Miller (WA)
Callahan	Hayes (LA)	Molinari
Chandler	Hefley	Mollohan
Cheney	Henry	Montgomery
Clinger	Herger	Moorhead
Coats	Hiler	Morrison (WA)
Coble	Holloway	Murphy
Coleman (MO)	Hopkins	Myers
Combust	Horton	Nelson
Conte	Houghton	Nielson
Coughlin	Huckaby	Oakar
Courter	Hunter	Oxley
Craig	Hutto	Packard
Crane	Hyde	Parris
Dannemeyer	Inhofe	Pashayan
Daub	Ireland	Pepper
Davis (IL)	Johnson (CT)	Petri
Davis (MI)	Kasich	Porter
DeFazio	Kemp	Pursell
DeLay	Kolbe	Quillen
Dellums	Kolter	Ravenel
DeWine	Konnyu	Ray
Dickinson	Kyl	Regula
DioGuardi	Lagomarsino	Rhodes
Dornan (CA)	Latta	Ridge

Rinaldo	Skeen	Swindall
Ritter	Skelton	Tauke
Roberts	Slaughter (VA)	Tauzin
Rogers	Smith (NE)	Taylor
Rostenkowski	Smith (NJ)	Thomas (CA)
Roth	Smith (TX)	Trafigant
Roukema	Smith, Denny	Upton
Rowland (CT)	(OR)	Valentine
Saiki	Smith, Robert	Vander Jagt
Savage	(NH)	Vucanovich
Saxton	Smith, Robert	Walker
Schaefer	(OR)	Weber
Schneider	Snowe	Weldon
Schuette	Solomon	Whittaker
Schulze	Spence	Wilson
Sensenbrenner	Stangeland	Wolf
Shaw	Stenholm	Wortley
Shays	Stratton	Wyden
Shumway	Stump	Wyllie
Shuster	Sundquist	Young (AK)
Siskis	Sweeney	Young (FL)

NOT VOTING—9

Biaggi	Gephardt	Lightfoot
Dowdy	Jones (TN)	Nichols
Ford (TN)	Leath (TX)	Roemer

□ 1751

The Clerk announced the following pair:

On this vote:

Mr. Jones of Tennessee for, with Mr. Gephardt, against.

Mr. SUNDQUIST changed his vote from "aye" to "no."

Mr. THOMAS of Georgia changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 484) to provide assistance and support for peace, democracy and reconciliation in Central America, pursuant to House Resolution 390, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the adoption of the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 216, not voting 9, as follows:

[Roll No. 25]	
AYES—208	
Ackerman	Glickman
Akaka	Gordon
Alexander	Grant
Anderson	Gray (IL)
Andrews	Gray (PA)
Annunzio	Guarini
Anthony	Hall (OH)
Aspin	Hamilton
Atkins	Harris
Barnard	Hatcher
Bellenson	Hawkins
Bennett	Hayes (IL)
Berman	Hefner
Bevill	Hertel
Bilbray	Hochbrueckner
Boggs	Howard
Boland	Hoyer
Bonior	Hubbard
Borski	Hughes
Brown (CA)	Jeffords
Bruce	Jenkins
Bryant	Johnson (SD)
Bustamante	Jones (NC)
Campbell	Jontz
Cardin	Kanjorski
Carper	Kaptur
Carr	Kennelly
Chapman	Kildee
Chappell	Klaczka
Clarke	Kostmayer
Clay	LaFalce
Clement	Lancaster
Coelho	Lantos
Coleman (TX)	Lehman (CA)
Collins	Lehman (FL)
Conyers	Leland
Cooper	Levin (MI)
Coyne	Levine (CA)
Crockett	Lewis (GA)
Darden	Lipinski
de la Garza	Lowry (WA)
Derrick	Lukens, Thomas
Dicks	MacKay
Dingell	Manton
Dixon	Markey
Donnelly	Martinez
Dorgan (ND)	Matsui
Downey	Mavroules
Dwyer	Mazzoli
Dymally	McCloskey
Dyson	McCurdy
Eckart	McHugh
Edwards (CA)	McMillen (MD)
Erdreich	Meyers
Espy	Mfume
Evans	Mica
Fascell	Miller (CA)
Fazio	Miller (WA)
Feighan	Mineta
Flake	Moakley
Flippo	Morella
Foglietta	Morrison (CT)
Foley	Morrison (WA)
Ford (MI)	Mrazek
Frank	Murtha
Frost	Nagle
Garcia	Natcher
Gaydos	Neal
Gejdenson	Nelson
Gibbons	Nowak
	Oberstar
	Obey
	Olin
	Ortiz
	Owens (NY)
	Owens (UT)
	Panetta
	Patterson
	Pease
	Pelosi
	Penny
	Pepper
	Perkins
	Pickett
	Pickle
	Price (IL)
	Price (NC)
	Rahall
	Rangel
	Ray
	Richardson
	Robinson
	Rodino
	Roe
	Rose
	Rowland (GA)
	Russo
	Sabo
	Sawyer
	Scheuer
	Schumer
	Sharp
	Sikorski
	Siskis
	Skaggs
	Slattery
	Slaughter (NY)
	Smith (FL)
	Solarz
	Spratt
	St Germain
	Staggers
	Stallings
	Stark
	Stokes
	Studds
	Swift
	Synar
	Tallon
	Thomas (GA)
	Torres
	Torricelli
	Towns
	Traxler
	Udall
	Vento
	Visclosky
	Volkmer
	Walgren
	Watkins
	Waxman
	Weiss
	Whitten
	Williams
	Wise
	Wolpe
	Yates
	Yatron

NOES—216

Applegate	Boxer	Craig
Archer	Brennan	Crane
Army	Brooks	Dannemeyer
AuCoin	Broomfield	Daub
Badham	Brown (CO)	Davis (IL)
Baker	Buechner	Davis (MI)
Ballenger	Bunning	DeFazio
Bartlett	Burton	DeLay
Barton	Byron	Dellums
Bateman	Callahan	DeWine
Bates	Chandler	Dickinson
Bentley	Cheney	DioGuardi
Bereuter	Clinger	Dornan (CA)
Bilirakis	Coats	Dreier
Bliley	Coble	Duncan
Boehert	Coleman (MO)	Durbin
Bonker	Combest	Early
Bosco	Conte	Edwards (OK)
Boucher	Coughlin	Emerson
Boulter	Courthin	English

Fawell	Lloyd	Schneider
Fields	Lott	Schroeder
Fish	Lowery (CA)	Schuette
Florio	Lujan	Schulze
Frenzel	Lukens, Donald	Sensenbrenner
Gallely	Lungren	Shaw
Gallo	Mack	Shays
Gekas	Madigan	Shumway
Gillman	Marlenee	Shuster
Gingrich	Martin (IL)	Skeen
Gonzalez	Martin (NY)	Skelton
Goodling	McCandless	Slaughter (VA)
Gradison	McCollum	Smith (IA)
Grandy	McDade	Smith (NE)
Green	McEwen	Smith (NJ)
Gregg	McGrath	Smith (TX)
Gunderson	McMillan (NC)	Smith, Denny
Hall (TX)	Michel	(OR)
Hammerschmidt	Miller (OH)	Smith, Robert
Hansen	Mollinari	(NH)
Hastert	Mollohan	Smith, Robert
Hayes (LA)	Montgomery	(OR)
Hefley	Moody	Snowe
Henry	Moorhead	Solomon
Herger	Murphy	Spence
Hiler	Myers	Stangeland
Holloway	Nielson	Stenholm
Hopkins	Oakar	Stratton
Horton	Oxley	Stump
Houghton	Packard	Sundquist
Huckaby	Parris	Sweeney
Hunter	Pashayan	Swindall
Hutto	Petri	Tauke
Hyde	Porter	Tauzin
Inhofe	Pursell	Taylor
Ireland	Quillen	Thomas (CA)
Jacobs	Ravenel	Trafigant
Johnson (CT)	Regula	Upton
Kasich	Rhodes	Valentine
Kastenmeier	Ridge	Vander Jagt
Kemp	Rinaldo	Vucanovich
Kennedy	Ritter	Walker
Kolbe	Roberts	Weber
Kolter	Rogers	Weldon
Konnyu	Rostenkowski	Wheat
Kyl	Roth	Whittaker
Lagomarsino	Roukema	Wilson
Latta	Rowland (CT)	Wolf
Leach (IA)	Roybal	Wortley
Lent	Saiki	Wyden
Lewis (CA)	Savage	Wyllie
Lewis (FL)	Saxton	Young (AK)
Livingston	Schaefer	Young (FL)

NOT VOTING—9

Biaggi	Gephardt	Lightfoot
Dowdy	Jones (TN)	Nichols
Ford (TN)	Leath (TX)	Roemer

□ 1812

The Clerk announced the following pair:

On this vote:

Mr. Jones of Tennessee for, with Mr. Gephardt against.

Mr. RAY changed his vote from "no" to "aye."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 101. Concurrent resolution providing for a conditional adjournment of the Senate from March 3, or 4, 1988 until March 14, 1988.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1049

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1049, the Ratepayer Refund Act.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House a message from the Senate.

The Clerk read as follows:

S. CON. RES. 101

Resolved by the Senate (the House of Representatives concurring). That when the Senate adjourns at the close of business on Thursday, March 3, 1988 or on Friday, March 4, 1988, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 noon on Monday, March 14, 1988, or until 12 o'clock meridian on the second day after the Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The SPEAKER. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL 5 P.M., FRIDAY, MARCH 4, 1988, TO FILE REPORT ON H.R. 1430, MERCHANT MARINE MEDALS AND DECORATIONS ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until 5 p.m., March 4, 1988, to file its report on H.R. 1430, as amended, the Merchant Marine Medals and Decorations Act. This request has been cleared with the minority leadership of the committee.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

□ 1815

EMPLOYMENT OF CERTAIN SCHOOLBUS DRIVERS UNDER CERTAIN CONDITIONS IN NORTH CAROLINA AND SOUTH CAROLINA

Mr. ROSE. Mr. Speaker, I ask unanimous consent for immediate consideration of the bill (H.R. 4063) to require the Secretary of Labor to permit North Carolina and South Carolina to

continue to employ 17-year-old schoolbus drivers under certain conditions until June 15, 1988.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SCHUMER). Is there objection to the request of the gentleman from North Carolina?

Mr. COBLE. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman from North Carolina [Mr. Rose] if he would explain the bill to us.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I thank my colleague, the gentleman from North Carolina, for yielding.

Mr. Speaker, the delegations of both North Carolina and South Carolina have unanimously endorsed this legislation which extends for 2 months the rights of our States to use certain schoolbus drivers. The committees involved have been consulted, and they have no objection to this legislation being brought up under unanimous consent.

I thank my colleague, the gentleman from North Carolina, for helping me cosponsor this bill. I also thank my friends from North Carolina for their assistance, and I repeat that there is no objection to this legislation.

Mr. TALLON. Mr. Speaker, student busdrivers have been serving school districts across our State and Nation for more than half a century. For these students and their communities, this work has been a source of great pride.

Not only are these jobs vital to our school systems but they have also provided an education for thousands of student busdrivers in dedication, hard work, and responsibility. And, the importance of these young drivers as an example to their peers can not be overstated.

Unfortunately, the Department of Labor has determined that in North and South Carolina 17-year-old students can no longer drive school buses. Citing the Fair Labor Standards Act, Labor decided on February 25, over half-way through the school year, that all our 17-year-old-student drivers must be dismissed.

Maybe this seemed like a good decision within the confines of the Department's bureaucracy, but from the "real world" perspective it makes no sense.

Let's take a step back and look at the facts. In South Carolina 1,200 of the 6,000 bus drivers are 17-year-olds. To come up with this many replacement drivers, on such short notice, in a State that is predominantly rural is simply impossible.

Local school officials in my district have said that if they cannot find suitable drivers, buses will be parked and routes doubled up. Double-up routes will mean some students will have to leave home much earlier and will get home much later.

The Department of Labor has said that this is a safety issue. Yet, they have proposed to eliminate student drivers, all of whom have safe driving records and bring in 1,200 others

with no experience to be trained and put behind the wheel for only 2 months. Not only is this dangerous, it's completely illogical.

Today we have an opportunity to inject some reason back into this situation. This legislation would allow our 17-year-old school busdrivers to drive until June 15, 1988.

It's a simple bill, but for thousands of South Carolinians it's a vital one. I strongly urge my colleagues to join me in its support.

Mr. PRICE of North Carolina. Mr. Speaker, last Thursday, the U.S. Department of Labor announced its decision to terminate, effective April 1, 1988, an exemption granted to the State of North Carolina which allowed 17-year-olds to drive schoolbuses. This exemption was permitted, until now, under the Child Labor Hazardous Occupations Order No. 2 under the Fair Labor Standards Act.

North Carolina already faces a severe shortage of school busdrivers. Under last week's ruling, North Carolina will be forced to find and train nearly 2,000 school busdrivers in 1 month's time. According to Governor Martin of North Carolina, 20 percent of the 13,000 schoolbuses currently in service will be inoperable leaving 100,000 schoolchildren without public schoolbus transportation, 2 months before the end of the school year. The Labor Department's decision places an intolerable burden on the local school districts of North Carolina.

The Labor Department said its decision was based on evidence that North Carolina was not complying with regulations allowing the exemption under the Fair Labor Standards Act. Ten out of 140 school districts were investigated. Of these 10 districts, 7 were found to be in violation of these regulations. These violations have since been corrected. Governor Martin has also recommended to the North Carolina State Legislature that \$27 million be set aside in next year's budget to allow for the hiring of an all adult school busdriver fleet.

Certainly, all of us in North Carolina share the Department of Labor's concern for the safety of our children. No one wants reckless or unqualified drivers behind the wheel of our schoolbuses. But the drivers who violate the conditions of the Labor Department's exemption surely constitute only a small fraction of the total number of 17-year-old busdrivers in North Carolina. The Labor Department's decision to disqualify thousands of safe and fully trained drivers, I believe, will work contrary to the interests of safety for our children.

For these reasons, I urge support for Representative CHARLIE ROSE's bill, H.R. 4063, which would permit North Carolina to continue to employ 17-year-old school busdrivers under certain conditions until June 15, 1988.

Mr. LANCASTER. Mr. Speaker, as one who drove a schoolbus at age 17, I am personally offended that the Department of Labor has ruled that adult bus drivers must be used in North Carolina beginning in April. I know that if schoolbus drivers are chosen carefully, that student drivers are as responsible and safe as adult drivers. Of course, local school administrations have a heavy burden to ensure that the young people they choose are responsible students who are well trained and to deny this

privilege of driving a schoolbus to those students who have unsafe driving records.

I have called upon the Secretary of Labor, Ann McLaughlin, to at least delay her ruling until the fall of 1988. There is no way that student drivers can be removed and well-trained adult drivers put in place by the deadline set by the Department of Labor. Since no action has been taken to delay the ruling, I have joined in the cosponsorship of this legislation in an effort to avoid chaos in the school system of North Carolina.

I commend this legislation to my colleagues.

Mr. SPRATT. Mr. Speaker, I rise today to ask support for legislation to allow the States of North and South Carolina to continue to employ 17-year-old schoolbus drivers—until the end of the current school year.

Last December, the Department of Labor informed the Governors of North and South Carolina that school districts in their States could continue to employ student bus drivers.

But an accident in January in South Carolina—involving a student bus driver—prompted an investigation by the Labor Department.

The Department concluded that—in the name of safety—the 17-year-olds must go. I have no problem with strict safety standards. But I do have a problem with the deadline the Department set for compliance—April 1—just 3 months from the end of the school year.

There are hundreds of good, experienced, 17-year-old schoolbus drivers in North and South Carolina. You simply cannot replace them in midyear with less experienced drivers and expect safety to be improved.

This bill—cosponsored by the entire North and South Carolina delegations—simply allows our two States to keep their 17-year-old schoolbus drivers—who have clean driving records—until the end of this school year. This bill represents the safest approach, and I urge its adoption.

Mr. COBLE. Mr. Speaker, I concur in what the gentleman from North Carolina [Mr. ROSE] just said, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the administration of the Fair Labor Standards Act of 1938, the Secretary of Labor shall permit North Carolina and South Carolina to continue to employ 17-year old school bus drivers until June 15, 1988, notwithstanding section 3(1) of such Act, if each of the drivers—

(1) was trained as a school bus driver on or before August 31, 1987,

(2) during the 1986-1987 school year, did not receive a ticket for a moving violation and was not involved in an accident for which the driver was legally responsible,

(3) is either a student or a high school graduate, and

(4) is at least 17 years of age.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALLON. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of inquiring about the program for the balance of the day and the week, and if the distinguished majority leader would inform us of what he perceives for next week, we would be most appreciative.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I am happy to yield to the majority leader.

Mr. FOLEY. Mr. Speaker, we have concluded the program for the day and for the week, and it will be my intention to ask unanimous consent later that when the House adjourns tonight, it adjourn to meet at noon on Monday next.

On Monday next we expect to have a pro forma session.

On Tuesday, March 8, the House will meet at noon to consider five bills under suspension of the rules, as follows:

H.R. 1430, Merchant Marine Decorations and Medals Act;

H.R. 2032, to authorize the conveyance of the Liberty ship "Protector" to a nonprofit organization;

An unnumbered House concurrent resolution regarding the situation in Panama;

An unnumbered House concurrent resolution regarding free press in Paraguay; and

An unnumbered House resolution regarding policy toward Afghanistan.

We would intend to postpone any votes ordered on suspensions debated on Tuesday until Wednesday, March 9.

On Wednesday, March 9, the House will meet at 2 p.m. and would consider any recorded votes postponed from Tuesday. Any further program for Wednesday, March 9, and for Thursday, March 10, will be announced later. We assume there will not be a session on Friday, March 11.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY, MARCH 7, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSI- NESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

CONSIDERATION OF AFGHANISTAN RESOLUTION

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, I rise today to urge our colleagues to join my friend, the gentleman from Texas [Mr. WILSON] and me in cosponsoring House Concurrent Resolution 252. I introduced this resolution yesterday along with 39 of our colleagues who share my concern over the United States position on a political settlement to the bloody Afghan war.

The resolution calls for maintaining U.S. military and humanitarian assistance to the Afghan resistance until Soviet troops have completely withdrawn from Afghanistan and the Afghans are assured of self-determination.

U.N.-sponsored talks on a Soviet withdrawal proposal resumed yesterday in Geneva, Mr. Speaker. It now appears that Pakistan's representatives to these talks are still formulating their negotiating position. Due to an apparent lack of support from our Government, President Zia may decide to rescind his earlier call for the formation of an interim Afghan Government prior to signing an accord in Geneva. It is imperative that the Paks know that they have the support of Congress for taking a tough line in these critical negotiations.

Mr. Speaker, we and the Pakistani Government have a moral responsibility to force the Soviets to end material support for their puppet government in Kabul along with a troop withdrawal. Equally important, the Soviets must agree to the formation of an interim Afghan Government which truly represents the Afghan people. These two conditions are essential to guaranteeing freedom and independence for Afghanistan.

Mr. Speaker, I urge cosponsorship of this resolution.

RESCINDING THE CLOSING OF THE PLO OFFICES

(Mr. CROCKETT asked and was given permission to address the House for 1 minute.)

Mr. CROCKETT. Mr. Speaker, last evening the 42d United Nations General Assembly—to which I have the honor of being a congressional delegate—voted overwhelmingly that our enactment of legislation mandating the closing of the PLO mission to the United Nations, “would be contrary to (our country’s) international legal obligations.”

The vote was 143 to 1, with every one of our allies, except Israel, voting against the closing. A second unanimous vote referred the matter to the World Court of Justice for resolution.

I would point out that our own State Department opposed the closing of the PLO mission to the United Nations and the U.S. delegation did not participate in the vote.

Mr. Speaker, I submit that this is a matter of national and international embarrassment that the Congress can and should resolve.

That is why, I, along with 17 of my colleagues are, today, introducing a bill to repeal that portion of the State Department authorization bill that calls for the closing of all PLO offices in this country.

Any compulsory closing of PLO offices for ideological reasons violates the constitutional rights of U.S. citizens. To deny any American access to lawful information and association is a clear violation of the first amendment.

And so, I urge my colleagues to join us as cosponsors of this legislation—not just out of respect for our duly-enacted, treaty obligations, but also to protect the constitutional rights of American citizens.

THE ORTEGA BROTHERS AND THEIR COHORTS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, if I have told you once, I have told you a hundred times that every time you cozy up to those Communists down there in Managua, they are going to stick a rusty knife right in your back.

On the day of your big vote, Ortega fires a prince of the Roman Catholic Church and replaces him with his brother, a fallen-away Catholic thug-bank robber. I am speaking of Humberto, he of the hidden bank account in Switzerland. We all have it memorized now. Right? I ask the gentleman from Washington; 58946, that is the

hidden bank account in Geneva, the Paris Bank of Geneva. That is where the Ortega brothers and the other Communist Sandinistas hide their money.

I said last night I would do a special order for another hour tonight. I will not. I am signed up for a special order for 1 hour each on Tuesday, the 9th, and Wednesday, the 10th. I am off to California on a 7 o'clock airplane. I will come back with more facts and figures, and I will ask unanimous consent to put in the RECORD—and I do not care if it costs thousands of dollars, and it will, at the Government Printing Office—the RAND report on communism on the southern part of the North American mainland. I want that whole report in the RECORD, available to all the schools and libraries across America and everybody who follows the proceedings in this House through the written Record and national technical means—that is electronic.

A SEDATIVE FOR A MEMBER

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I simply wanted to ask the gentleman from California if any of us could help get him a sedative.

CONGRATULATIONS TO JAMES CORREA, OF HAWAII

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, today I have the distinct privilege and honor of offering my congratulations and best wishes to James Correa, of Hawaii, who was recently named the Volunteer Amateur Baseball Coach of the Year by the U.S. Baseball Federation. This is a high honor which Jimmy richly deserves. He coached baseball since 1942 when he started with the Army 298th Warriors in the Solomon Islands.

Jimmy has spent a lifetime coaching the youth on our big Island of Hawaii in the great all-American sport of baseball, and his coaching is replete with successes. From 1955 until his retirement in 1986, he coached the St. Joseph Cardinals. His team won the Big Island Interscholastic Federation title in 1959 and 1965; our State titles in 1962 and 1963; and in 1982, the Colt Northwest Regional championship. In 1981, his team won the Colt World Series at Lafayette, IN. They won the Big Island AJA championships in 1979, 1980, and 1984, and six AJA crowns.

These victories while important in themselves are more significant as a reflection not only of Jimmy’s skills as

a coach but of his dedication to his community and his ability to bring out the best in his charges, his youth who rose to the challenge, not only on the diamond, but on the playing field of life. There are many in Hawaii today who are the better for having come in contact with Jimmy Correa.

Jimmy, I salute you for the great honor you have brought to Hawaii and for the many years of service you have given to the youth of our community. While virtue may be its own best reward, let me add my accolades and mahalo to you for a job well done.

□ 1830

OUR UNHEALTHY THRIFTS

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, yesterday’s Washington Post reported that officials at the U.S. Treasury Department are now estimating that \$60 billion will be needed to close or merge all of the unhealthy thrifts in the United States.

For those who thought that we took care of the FSLIC problem last year—think again. This Congress authorized borrowing of \$10.8 billion over a 3-year period. This amount was inadequate then, and as the losses continue to grow, its impact shrinks ever more.

The House and Senate Banking Committees must wake up and face the reality of this situation. It is estimated that the thrift industry itself will lose \$4.6 billion this year. The insolvent institutions by themselves are losing nearly \$8 billion a year—\$2 billion more than the Bank Board will have available to it under the recap plan.

I have said on many occasions that a merger of the funds is inevitable, because I do not believe that the industry will nor can afford to support an additional recapitalization. The Congress should act this time instead of reacting. We need to begin now to look at what I call severability that being the separation of the good thrifts from the bad. Putting the healthy thrifts into the FDIC, and leaving the FSLIC to dispose of the unhealthy institutions. It can be accomplished by a combination of exit fees, retained earnings from the home loan banks, and possibly borrowing from the FDIC, and getting appropriations from the Treasury if necessary.

The losses continue to grow out of control. Three years ago, Ed Gray, Chairman of the Federal Home Loan Bank Board, told me there was nothing to worry about. Two years ago this month, he testified that the total resolution cost was anywhere between \$10 to \$14 billion. Now it’s estimated that the cost is \$60 billion.

By not addressing this problem we are doing a disservice to the taxpayer who eventually will be required to pick up the tab.

For these reasons, I have written to the chairmen of the Senate and House Banking Committees suggesting that in the immediate term we do the following: First, remove the annual cap on borrowing authority for the Financing Corporation [Fico]; second, consider legislation to enhance a thrift charter; third, consider allowing the FSLIC to borrow from the FDIC subject to certain conditions; and fourth, appoint a congressional study group to begin considering future alternative solutions to the FSLIC crisis.

The Banking Committees may be weary after considering new powers legislation, but the FSLIC situation still demands our attention.

LEGISLATION REGARDING UNDERGROUND STORAGE TANKS

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, today I am introducing, along with 11 of my colleagues, legislation which will delay for 1 year the \$1 million financial requirement for owners of underground storage tanks. A GAO report on insuring underground petroleum tanks recently made a similar recommendation of delaying the implementation of the financial requirement.

The Superfund Amendments and Reauthorization Act of 1986 imposed a requirement that owners or operators of underground storage tanks have a minimum of \$1 million insurance coverage per potential occurrence of a leak. This financial requirement may be met through commercial insurance, a State assurance fund, a risk retention group, or self-insurance.

Since the enactment of the Superfund bill, the commercial insurance market has virtually dried up. Efforts are being made to set up State funds and risk retention groups, but these programs will take time to fully implement. Self-insurance is not even an option except for very large businesses. EPA's final regulations for the financial requirement should become effective later this year.

My concern is that there are many small businesses who are making a good faith effort to meet the financial requirement but are not able to do so at the current time. Large businesses will be able to self-insure to meet the requirement. The Small Business Subcommittee on Energy and Agriculture, of which I am a member, held a hearing on this issue late last year. The response from small businesses was overwhelming. This requirement has the potential to put thousands of conven-

ience stores, petroleum marketers, and other small businesses out of business.

The bill I am introducing today would delay the financial requirement for 1 year and would give EPA the authority to suspend enforcement of the requirement in the first instance for 360 days. The suspension is currently for only 180 days. Under current law, EPA has the authority to suspend enforcement of the financial requirement in areas where insurance is not available and tank owners are making an effort to meet the financial requirement. Also, my bill directs EPA to assist States in setting up State assurance funds and working with insurers to encourage them to offer insurance which will meet the requirement.

Many of the businesses which testified at the Small Business Subcommittee hearing advocated a reduction in the financial requirement from \$1 million to \$500,000. In addition, many of them asked for a 3-year delay. I am sympathetic to these arguments, but this legislation I am introducing today will not affect the amount of the financial requirement and only asks for a 1-year delay. This bill is a measured response to this serious problem, and I believe the Congress should act expeditiously to address this matter.

Mr. Speaker, I encourage my colleagues to support this much-needed legislation.

PATENT LICENSING REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, today I am introducing the Patent Licensing Reform Act of 1988. This bill reflects the concerns of certain high technology industries regarding the ability of patent owners to fairly and freely license patented products and processes.

The basic thrust of the bill is to restate in statutory language much of the judicially developed doctrine of patent misuse. The subjects addressed in the bill—patent misuse and fraud in obtaining or enforcing a patent—are extremely complex areas of law. I recognize that by introducing the bill in this form it is not realistic to expect it to be enacted with precisely the same language. Rather, I hope that by raising this subject to the level of legislative debate, my colleagues will become more familiar with the issues presented by legislation in this area.

There are two arguments in favor of the legislation. First, innovations are not reaching the consuming public because of a fear on the part of patent owners that if they engage in patent licensing, they will not be able to enforce the patent because of a finding of misuse. The proponents of this view will attempt to substantiate it despite the obvious widespread licensing of patents which occurs today. It may be that there is a difference in licensing practices based on the size of the company or the type of product involved.

The other argument offered in support for changes in the law of misuse basically comes down to doctrinal consistency. Proponents of change have frequently relied on the Chicago economic school theories of Judge Posner. See *USM v. SPS Technologies, Inc.*, 694 F. 2d 504 (7th Cir. 1982). Supporters of this view argue that patent misuse doctrine grew up in response to allegedly anticompetitive behavior and that an antitrust standard is the only appropriate criterion to use in judging such effects. This view has already been adopted by the Senate,¹ as a result of the efforts of Senator LEAHY. Whether this view represents sound public policy will clearly be the focus of any hearings on this topic.²

This bill continues the policy of treating the property rights granted by the issuance of a patent different from those which attach to other forms of property. The bill also ramifies the proposition that the enforcement of patents is a matter of "great moment to the public". *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246.

Section 2 of the bill strikes out existing subsection (d) of section 271 of title 35 and replaces it with a new subsection (d) which is further divided into three subparagraphs.

Proposed subsection (d)(1) provides that a person who has been found guilty of patent misuse shall be denied the right to enforce that patent until the misuse terminates and the effect of the misuse is dissipated. This provision is derived from current case law.³

Proposed subsection (d)(2) provides a positive definition of patent misuse. The proposed subsection provides six examples of conduct which is deemed to constitute patent misuse. First, it provides that it is an act of patent misuse to tie the sale of a patented product to an unpatented staple. This provision is derived from current case law.⁴ In addition, this provision also includes an exception which precludes a finding of misuse when the patent owner cannot fairly be said to hold market power.⁵ This provision, of necessity, means that the mere ownership of a patent does not by itself confer market power; there is no presumption of market power based on the ownership of a patent. Unresolved in this bill is the question of what constitutes the relevant market.⁶ Parties are invited to comment on whether the concept of market should include only actual market in the relevant product—an antitrust standard—or market according to the scope of the patent claim.⁷

The second example of misuse is the imposition of covenants not to compete. This provision is derived in part from current law.⁸ The third example of misuse is the imposition of a condition in a license that the licensee accept another and different patent license. This formulation is also suggested by current case law.⁹

The fourth example of patent misuse is a license royalty agreement which calls for the payment beyond the expiration of the term of the patent. This provision is derived from the Supreme Court decision in *Brulotte v. Thys*, 379 U.S. 29 (1964). This provision also contains an exception which authorizes such post-expiration royalties when the parties, for

their convenience, agree to such an approach after the issuance of a patent.¹⁰

The fifth example of misuse is price fixing or resale price maintenance. This provision roughly parallels the standards found in the antitrust laws.¹¹

The sixth example of patent misuse is a license conditioned on a grant back to the licensor of patent rights which the licensee may develop or acquire. This provision is similar to current case law.¹² This provision also includes an exception authorizing a grant back requirement consisting of nonexclusive licenses when alternatives exist for achieving the same result.¹³

The examples of patent misuse are modified by the term "unreasonably" so as to continue the flexibility inherent in the current case law which allows courts to evaluate a particular licensing practice in light of the facts of a particular case.

Subsection (d)(3) provides the negative half of the definition of patent misuse by stating six examples of conduct which is not misuse. First, patent misuse does not occur if a person derives revenue from acts which, if performed by another without the consent of the person deriving such revenue, would constitute contributory infringement. This provision merely restates current law, 35 U.S.C. 271(d). Second, it is not an act of misuse for a person to license or authorize another person to perform an act which, if performed without the consent of the person licensing or authorizing the act, would constitute contributory infringement. This provision also derives from section 271(d) of title 35. Third, also from current statutory law, the bill states that it is not an act of misuse for a patent owner to seek to enforce his or her rights to the patent. Fourth, the bill provides that it is not an act of patent misuse for a patent owner to refuse to license or use the rights to the patent. This provision is derived from judicial decisions.¹⁴ Fifth, the bill provides that it is not an act of patent misuse to impose royalty differential or to charge allegedly excessive royalties. This provision is derived from current caselaw.¹⁵ Sixth, the bill provides that it is not an act of patent infringement to grant licenses which impose territorial or field of use restrictions on the patented product or process. This provision is derived from the decisions of some courts which have addressed this question.¹⁶ This provision also reiterates the provisions of 35 U.S.C. 261. While there are some older cases which appear to reach a different result,¹⁷ these cases do not appear to represent the better view of the law or desirable public policy.

Section 3 of the bill contains proposed subsection 271(g) which provides that fraud or other similar inequitable conduct in procuring or enforcing a patent constitutes misuse. The bill provides a definition of fraud and provides that fraud is an affirmative defense to an infringement action. Fraud is defined as including the intentional or grossly negligent failure to meet the duty to disclose information to the Patent and Trademark Office which would, if disclosed, have resulted in the patent claim being rejected. This definition is derived in part from the proposed rulemaking of the Patent and Trademark Office, and, in part, from decisions of the Court of Appeals for the Federal Circuit.¹⁸

Proposed subsection (g) also authorizes the Commissioner of the Patent and Trademark Office to issue regulations concerning fraud on the Office.

The final provision in the bill establishes an effective date. Because patent owners and licensees have a reasonably well settled set of expectations about current law, this bill applies only to cases filed on or after the date of enactment. Thus, these amendments would not apply to pending court cases.

In sum, the proposed legislation represents a modest step forward in the area of patent licensing. It is my hope that this bill will stimulate debate on this topic. Because the existing doctrine of patent misuse has been developed by the courts sitting in equity, it is important for the Congress to understand completely the practices that are being codified. Some commentators may suggest that this bill is too complex. Others may argue that the better way to proceed on this question is to tie patent misuse to each of these perspectives. From the perspective of the legislative process, it is my hope that this bill will stimulate debate about the nature of patent protection, the attributes of patent protection, and answer the question of whether the misuse doctrine is—or should be—exclusively a matter of anti-competitive concern.

Parties with views on this bill should communicate with the Subcommittee on Courts, Civil Liberties and Administration of Justice, 2137B Rayburn HOB, Washington, DC 20515, phone (202) 225-3926.

FOOTNOTES

¹ The Senate adopted title II of S. 1200 as an amendment to H.R. 3. See Senate Rept. 100-83 at 61-68 (1987).

² This bill is not premised on the assumption that enactment of a patent misuse bill will enhance our ability to compete internationally. See Marks, Patent Licensing and Antitrust in the United States and the European Economic Community, 35 Am. Univ. L. Rev. 963 (1986). In addition, to the extent that an American innovator does business overseas and has obtained patent protection in a foreign country, the law of that country governs the enforcement of those patent rights.

³ D. Chisum, Patents, section 19.04.

⁴ See, e.g., International Salt Co. v. United States, 332 U.S. 392 (1947); D. Chisum, Patents, section 19.04[3][a], n. 1.

⁵ See generally USM Corp. v. SPS Tech. Inc., 694 F.2d 504 (7th Cir. 1982).

⁶ It can be argued that since the markets for specific technologies are often "thin"—with few direct substitutes available for particular inventions—that patent misuse cases should adopt a standard different from that used by the Supreme Court in antitrust cases. See Caves, Crookell, and Killing, The Imperfect Market for Technology Licenses, 45 Oxford Bulletin of Econ. & Statistics 249 (1983).

⁷ See Senza-Gel v. Seiffart, 231 U.S.P.Q. 363 (Fed. Cir. 1986).

⁸ D. Chisum, Patents, section 19.04 [3][b].

⁹ D. Chisum, Patents, section 19.04 [3][b].

¹⁰ Some misuse cases have not prevented the enforcement of the patent for such temporal extensions, but rather have merely barred the collection of royalties beyond the 17th year. Boggild v. Kenner Products, 776 F.2d 1315 (6th Cir. 1986).

¹¹ D. Chisum, Patents, section 19.04[3][c].

¹² Transparent Wrap Machine Corp. v. Stokes and Smith, 329 U.S. 637, 646-647, (1947); D. Chisum, Patents, section 19.04 [3][j]; see also Duplan Corp. v. Deering, 444 F. Supp. 648, 700 (D.S.C. 1977), aff'd, 594 F.2d 979 (4th Cir. 1979).

¹³ Sante Fe-Poweroy, Inc. v. P and Z Co., 569 F.2d 1084 (9th Cir. 1978).

¹⁴ Continental Paper Bag Co. v. Eastern Paper Bag Co., 210 U.S. 405, 426-430 (1908), SCM Corp. v. Zerox, 695 F.2d 1195 (2d Cir., 1981).

¹⁵ USM Corp. v. SPS Technologies, Inc. 694 F.2d 504 (7th Cir., 1982).

¹⁶ S. Chisum, Patents, section 19.04[3][h] and [i].

¹⁷ See Adams v. Burke, 84 U.S. 453 (1873) and Robintech, Inc. v. Chemidus Wavin, Ltd., 628 F.2d 142, 146-49 (D.C. Cir., 1980); but see General Talking Pictures Co. v. Western Elec. Co., 304 U.S. 175 (1938) (field of use restrictions do not constitute misuse).

¹⁸ There are two well defined elements of a defense of fraud or inequitable conduct: (1) materiality of the information not disclosed, and (2) the intentional failure to disclose. In re Jerabek, 229 U.S.P.Q. 530 (Fed. Cir. 1986); see generally Adamo and Ducatman, The Status of the Rules of Prohibited Conduct Before the [Patent] Office, 68 J. Pat. and Tr. Off. Soc. 193 (1986).

U.S. MINT REFUSAL TO OBEY LAW RESULTS IN POOR SALES OF GOLD BULLION COINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, in 1986 the American eagle gold bullion coin was chosen a "Product of the Year" by Fortune magazine. There was tremendous interest in the gold bullion coins, and in less than 2½ months, the U.S. Mint sold 1,788,000 ounces of gold bullion coins.

During that period, I was one of the few voices that was heard warning that the mint's decision to sell the coins using a cartel of about 2 dozen distributors worldwide was not only illegal, but a poor way to sell the coins.

Sales figures for 1987 bear out the folly of the mint's ways. Last year the mint sold only 1,253,000 ounces of gold bullion coins, a stunning decline of 30 percent over 1986, even though the mint had 9½ more months in which to sell the coins. That disappointing performance has dropped the American eagle bullion coin behind the Canadian maple leaf as the world's best selling bullion coin. Preliminary estimates are that the Royal Canadian Mint sold 1,445,000 ounces of maple leafs in 1987, 16 percent higher sales than the American eagle.

Figures for the first 2 months of 1988 are even more discouraging. In the first 2 months of 1988, the mint has sold only 144,500 ounces of gold bullion coins, an annual rate of only 867,000 ounces. That projection is not an aberration, since in the past 12 months the mint has sold barely a million ounces of gold bullion coins. In fact, in 9 of the past 12 months the mint has sold fewer than 90,000 ounces of gold coins.

There are two major reasons that the American eagle bullion coin program is in retreat. Both are a direct result of the U.S. Mint's refusal to obey the Gold Bullion Coin Act as it was enacted by the Congress.

First, the legislation required that the coins be sold to the public. Despite the plain meaning of this term and despite a warning from me before the program began, the mint restricted its sales to a cartel of 25 dealers. As a result, the mint was sued by a company that wished to become a distributor, much as I had predicted. Rather than risk defeat in the courts, the mint settled the suit and allowed that company to become a distributor. Despite a de facto loss in the lawsuit, the mint continues to refuse to sell the coins to anyone other than the members of the cartel.

Not only does the mint refuse to sell the coins directly to the public in small lots, but it refuses to sell the coins in bulk as well. To further enhance the monopolistic position of the cartel members, the mint set nonfinancial qualifications for anyone wishing to become a distributor of the coins that effectively preclude virtually any new firms from entering the business. In the 15 months of the program, only two more distributors have been admitted by the mint.

The firms that are American eagle bullion coin distributors are also distributors of other competing gold bullion coins. Such firms have a built-in conflict of interest in that they do not wish to push one coin too hard for fear of offending their other suppliers. This is particularly true in the case of the Canadian banks which are distributors, who have a vested interest in seeing the maple leaf succeed.

The second way in which the mint has violated the law and hurt the program is in its pricing of the bullion coins. Under the Gold Bullion Coin Act, the mint is required to charge the price of bullion plus the cost of minting, marketing and distributing the coins. Instead, the mint has set its prices at the same premiums charged by Canada on its maple leaf coins and by South Africa on its kruggerands.

Information submitted to the subcommittee by the mint last year indicates that the premiums charged by the mint are higher than its costs for minting, marketing and distributing the coins. The mint's pricing scheme in matching the wholesale price for the maple leaf and kruggerand was a decision on its part not to compete vigorously against those coins. This decision not to compete on price apparently was influenced by the distributors who did not want to touch off competition among the different coins they market. That lack of competition is now taking its toll in decreasing demand for the American coins, particularly in the world market.

Purchasers of gold bullion coins overseas, particularly in Asia, seek to purchase bullion coins at the lowest possible price. The mint, rather than aggressively marketing its coins with a price advantage over its competition, entered into the gentlemen's agreement not to compete, and to take a short-range profit by overcharging on its premium over the bullion value of gold.

Like many private American firms, the mint failed to learn the primary lesson of Japanese marketing, which is to set market share as the primary goal. Once market share is established, profits will follow.

Even today in America, we can see that the increasing value of the yen has not led to corresponding increases in Japanese car prices in the United States. A recent study indicates that is partly due to the Japanese aggressively cutting costs, but also their willingness to cut profit margins to maintain their share of the market.

Congress was aware of the importance of market share when it established the statutory formula for pricing the American eagle bullion coins. The pricing formula was established to maximize the number of bullion coins that could be sold by pricing them as close to bullion as possible. The mint, in disregarding that

formula, wrote the prescription for the declining sales it is now experiencing.

Mr. Speaker, the American bullion coin can retain its No. 1 place among gold coins if the mint will comply with the law as Congress wrote it. If not, the mint can look forward to more years of declining sales and a status as an "also ran."

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GRAY] is recognized for 5 minutes.

Mr. GRAY of Pennsylvania. Mr. Speaker, Pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget and Impoundment Control Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD, the official letter to the Speaker advising him of the updated current level of spending and revenues for fiscal year 1988.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 3, 1988.

HON. JAMES C. WRIGHT, JR.,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am herewith transmitting the status report under H. Con. Res. 93, the Concurrent Resolution on the Budget for Fiscal Year 1988.

This report reflects the budget resolution aggregates and an estimate of current level of spending and revenues consistent with the economic and technical assumptions of H. Con. Res. 93, adopted by Congress on June 24, 1987. These estimates will govern in determining whether legislation causes the aggregate spending ceilings or the revenue floor to be exceeded. The Committee will file a more detailed current level report when the estimates are available from the Congressional Budget Office (CBO).

Sincerely,

WILLIAM H. GRAY III,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1988 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 93

REFLECTING COMPLETED ACTION AS OF MARCH 2, 1988

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level.....	1,146,000	1,034,700	932,800
Current level.....	1,144,964	1,031,660	922,250
Amount under ceilings.....	1,036	3,040	
Amount over ceilings.....			
Amount under floor.....			10,550
Amount over floor.....			

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds \$1,036 million in budget authority for fiscal year 1988, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 93 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds \$3,040 million in outlays for fiscal 1988, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 93 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 93.

HUMAN RIGHTS ABUSES IN CUBA

The SPEAKER pro tempore. (Mr. DYMALLY). Under a previous order of the House, the gentleman from California [Mr. SHUMWAY] is recognized for 60 minutes.

Mr. SHUMWAY. Mr. Speaker, I rise this evening to talk about a subject which I think is of great interest to the House of Representatives, because we discussed this subject on prior occasions and have by a bipartisan majority expressed ourselves in a very responsible fashion. That subject deals with our neighbor to the south, Cuba, and in particular, the status of Cuba insofar as it recognizes human rights of political prisoners. This subject is presently being addressed in Geneva, Switzerland, as the Human Rights Commission of the United Nations has been meeting.

Mr. Speaker, the United Nations was established following the conclusion of the Second World War and its purpose was to promote and encourage respect for fundamental freedoms without distinction among countries. In an effort to fulfill that portion of its charter, the U.N. Human Rights Commission was established in 1946 to investigate and make recommendations concerning the violation of human rights and fundamental freedoms.

No doubt in the many years that it has been in existence that Commission has made some major contributions in the field of human rights, including its reports on the very tragic situations in Iran and Afghanistan among others; but the Commission has not been asked for several years to address the civil rights situation in Cuba and each time it has refused to do so.

In recent years, Mr. Speaker, the world has gained more and more information about the status of human rights, particularly insofar as they are denied political prisoners in Cuba, because there have been prisoners released. They have written about their experiences and have spoken very widely about them. So many of us believe that as the Human Rights Commission reviews things like this in the various countries of the world, they should now begin to focus on the sub-

ject of Cuba and not let it go unnoticed by all the member nations of the United Nations, the atrocities and abuses and shortcomings in that country, particularly insofar as human rights political prisoners are concerned.

Last year our delegates to the Human Rights Commission introduced a resolution requesting that Commission simply place Cuba on its agenda. That modest resolution failed by 1 vote on a procedural motion which was introduced by India.

Again this year we are going to make that same request and perhaps a vote on that request will be taken as early as sometime next week, and because this body and the Senate as well has expressed strong bipartisan support for the efforts of this administration to bring the human rights situation to the attention of the international community, I think it is very appropriate that we discuss this matter tonight and urge Americans who are concerned about the status of human rights and, indeed, members of that Commission when they vote this week to vote with their consciences and not turn their backs on the courageous people of Cuba.

Mr. Speaker, I would like to just share with you a few words that emerged from Cuba last year. These words were written by some 30 prisoners who are being held in the Boniato political prison, and because they are fresh and they address themselves to this very subject, I think they are appropriate this evening.

**DECLARATION BY CUBAN POLITICAL PRISONERS
IN PROTEST OVER INFAMY AT GENEVA.**

The undersigned, political prisoners at the Boniato Prison in Santiago de Cuba, Cuba, with due, deep respect depose for the record:

First: That we feel profoundly defrauded in our hopes for justice through the United Nations Organization because of developments at the 43rd Session of the Human Rights Commission.

Second: That an attitude of indifference might have seemed understandable if from countries in those areas of the world where the horrors, barbarianism and repression endured by the Cuban people in general, and by the political prisoners in particular, remain unknown. But that the countries which have remained indifferent and, even worse, the ones which have joined our oppressors and inflictors of tortures are Latin-American countries, is something that goes from disbelief to shame.

That in so voting, those countries have expressed that it is correct that political prisoners remain incarcerated after having served their sentences; that political prisoners be arbitrarily and savagely tortured, when not beaten with sticks or massacred with bayonets and gunshots; that political prisoners be forced into hard labor. Like in colonial times, inmates are subjected to all types of humiliations, from nakedness, hunger and coexistence with common criminals, to being stripped of the few, precious possessions allowed; that political prisoners be tortured, subjecting them to biological starvation experiments with many fatal re-

sults; that political prisoners be tortured, locking them up in the infamous "tapladas" (minimal cells with steel-planked windows and doors) and the "gavetas" (drawers), subjecting them to unbearable electronic sounds; that political prisoners receive scarce or no medical assistance at all; that years and years go by with not one single visit from their families and in complete nakedness.

Mr. SHUMWAY. Mr. Speaker, those touching words describe the situation in Castro's Cuban jails today. Many of us have been privileged to hear some of those things directly from the Ambassador who is now representing the United States at the Human Rights Commission discussions, Armando Valladares, who have written a best seller book about his 22 years in Castro's prisons. The conditions are deplorable. Many of them I would not even want to describe in this Chamber tonight, because I think they would bespeak things that should not appear in the CONGRESSIONAL RECORD, but I do think all of us as concerned Americans, and certainly as lawmakers and part of this body, should be concerned about the fact that these conditions have persisted for years and essentially have gone unnoticed by the international community.

We now have convincing evidence, we have firsthand evidence, and I think the time is here for us to urge the Human Rights Commission to take the kind of action that we have been urging and certainly would be responsible action in this regard.

With that, Mr. Speaker, I am delighted to yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman for yielding, and as the senior ranking Republican on the Foreign Affairs Human Rights Subcommittee, I congratulate the gentleman from California.

As we meet here today, in the Capital City of the free world, in a Chamber that symbolizes the rule of the people under law, the hopes of 10 million people living in the prison known as Cuba are focussed upon us. At least 1 million more Cubans—who are exiled from their own land—are likewise looking to us: looking to America as their only hope.

And so I congratulate the gentleman from California for taking this special order today. Because even as we speak here today, United States diplomats in Geneva are engaged in an all-out effort to place the issue of Cuba on the agenda of the U.N. Commission on Human Rights. Since 1961—for 27 years—evidence has been accumulating in Geneva about the massive, systematic, and relentless campaign by Fidel Castro to suppress any and all vestiges of human rights and human dignity on the island of Cuba and for 27 years, the U.N. Human Rights Commission has engaged in a conspiracy of silence.

This is a conspiracy that is aided and abetted, I am sorry to say, by democratic countries—countries like Argentina, Venezuela, Colombia, and India. India: A country that prides itself on being the world's largest democracy, but yet that government cannot seem to find anything wrong with Cuba—or with the puppet regime in Afghanistan, for that matter.

Leading our efforts in Geneva is a man named Armando Valladares. He spent 22 years suffering in Castro's gulag. More than any other man, he is responsible for stripping the mask away from Castro. For so many years, in fashionable circles, it was in vogue to treat Castro with indulgence: To look upon him as an intellectual, as the architect of a new kind of society. Sure, there may be few abuses, but what are they when so many other worthwhile things are happening? It is precisely this kind of decadent intellectualism that has been exposed by the life and testimony of Armando Valladares.

No, Mr. Speaker, the Cuban experience since the revolution 29 years ago explodes all of the prevailing myths about so-called popular revolution in the Third World. There is more to achieving a true revolution than the chanting of slogans and the manipulation of public opinion leaders in Western countries.

The promise of freedom, prosperity, and justice that greeted the Cuban revolution in 1959 has given way to massive repression, economic chaos, and the establishment of a personality cult around Castro. The proud and vibrant Cuban people have been reduced to serfdom, indeed slavery, as their country has become nothing more than a vassal state under the heel of the Soviet Union. If this is what leftist revolutionaries mean about the self-determination of oppressed peoples, I cannot think of any country whose people would willingly follow the Cuban model.

The Castro regime in Havana is propped up by the Soviet Union to the tune of over \$10 million a day. These massive subsidies make up at least one-fourth of Cuba's gross national product. So weak is the Cuban economy now that even sugar has to be rationed. It brings to mind the statement attributed to William F. Buckley, Jr., that if Communists were given the management of the Sahara Desert, within 5 years there would be a shortage of sand.

The tyranny of the Castro regime has no precedent in the history of this hemisphere. It may be without precedent, but, unhappily, it is not without parallel—just witness what Castro's friends are doing in Nicaragua now. The establishment and consolidation of a brutal Communist regime on the island of Cuba—and in the nation of

Nicaragua—represents a cancer in this hemisphere.

Cuba today has a larger share of its population under arms than does any other country in the entire Western Hemisphere. And many of these unfortunate young men find themselves stationed in distant outposts, particularly in Africa, doing the bidding of the tyrants in the Kremlin.

Finally, Mr. Speaker, I would like to conclude by giving the Members of this House a name to remember. The name is Santos Mirabal Rodriguez. His name first came up several years ago during a hearing of the Human Rights Subcommittee, on which I serve as senior Republican. This young man was imprisoned in Cuba when he was 12 years old. He is now in his mid-thirties, and still he suffers in Castro's jails. We can only wonder what offense a 12-year-old child can commit that justifies keeping him in prison for over 20 years.

Let it never be said, Mr. Speaker, that this House joined in the conspiracy of silence about Cuba.

Mr. SHUMWAY. Mr. Speaker, I thank the gentleman from New York. I appreciate that contribution.

Mr. Speaker, I am happy to yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I am pleased and honored to join my colleague and good friend from California [Mr. SHUMWAY] in his special order to call attention to the brutal repression of human rights in Cuba.

The lack of concern and attention given to gross violations of internationally recognized human rights in Cuba is a clear example of the double standard employed by international organizations. Until now, the United Nations, guardian of the U.N. Commission on Human Rights, has refused to consider Cuban violations of human rights, while it condemns countless other regimes and dictatorships for human rights failures.

At a hearing last year, conducted by the Congressional Human Rights Caucus, U.S. Ambassador to the United Nations General Vernon Walters testified that some 14,000 to 15,000 persons are in prisons and labor camps in Cuba for political crimes. Those political prisoners are subjected to torture, psychological abuse, biological experiments and repeated extensions of their sentences.

Probably the best account of any political prisoner in Cuba is the book written by Armando Valladares, entitled "Against All Hope," published only a few years ago, after Valladares spent 22 years as a political prisoner in Cuban prisons. "Against All Hope" is a chilling and vivid indictment of Cuban crimes against humanity.

I can think of no better way to convey the brutality and repression inflicted by the Castro regime than to

read to you passages from Valladares' book. The following are taken directly from "Against All Hope":

There is nothing more humiliating or more degrading than forced nakedness before your oppressors—you feel especially vulnerable. The authorities knew that, and they use our nakedness against us, another in their arsenal of psychological weapons. The interrogators from the Political Police never failed to keep prisoners, both men and women, naked. They took the women in naked for interrogations by groups of officers. If for a man it's embarrassing to be forced to stand there completely stripped before a phalanx of interrogators, for a woman it is much more terrible, and many of the suicides and attempted suicides among the women were triggered precisely by that humiliation. Even today the government still employs this practice with women political prisoners. When they are confined to solitary, they are completely undressed and then officers from the jail, Prison Headquarters, and the Political Police stop by to see them.

Pedro Luis Boitel was one of the prisoners who became a close friend of Armando Valladares while in Cuban prisons. They attempted to escape together and were later punished by being put in solitary confinement. Eventually, Boitel was allowed to die while on a hunger strike, by the personal order of Castro. In the following passage, Valladares describes part of the torture used by the Cubans against him and Boitel while they were in solitary confinement:

Boitel told us he had been jabbed with a pole. Actually, I didn't understand what he was talking about until the guard walking along the roof of the cells came to mine. He had a long wooden pole, rounded at the end, and I immediately understood what had happened.

Boitel had been sleeping, and the guard has slyly stuck the pole through the holes in the chain-link ceiling and poked him with it to wake him up. From that day on, the "Ho Chi Minh poles" would be used to torture us and send us to the verge of madness. There was no way to escape them, since the guard, up on top there, dominated the whole cell, and he could prod us whenever he wanted. The end of the pole was blunt and didn't wound us, but it hurt, and it didn't let us sleep. That was what they wanted.

The following passage describes how the Cuban Government punishes the family of political prisoners and how Valladares' family was no different:

The Revolutionary Government passed a law which allowed all the property that belonged to men found guilty of crimes against the State to be confiscated. After the confiscation, CDR mobs would picket in front of the homes of the prisoners, as they had done in front of mine. Agents from the Cuban Gestapo, dressed in civilian clothes, led "spontaneous" demonstrations of the people's repudiation of the families of counterrevolutionaries. The family was then marked forever and its members outcasts. The wife and children of a "traitor to the Revolution" were fired from their jobs, mistreated and discriminated against at school.

The children would come home crying from the insults their classmates had yelled at them. They were like pariahs, kept out of

all extracurricular activities, and this with the tacit approval of the teachers, who were forced to acquiesce to such practices, since otherwise the teachers themselves would have run the risk of losing their jobs.

The repression of family members condemned them, therefore, to poverty, misery, and perpetual harassment. Their water would even be shut off, as happened to my family. We lived on the second floor; my mother and sister had to go to another prisoner's house to get water, across the street, and carry it upstairs in pails. They suffered all sorts of humiliations, and were the daily butt of outrageous discriminations. For example, my mother was once standing in a long line with her ration card, in front of the store she always went to. When her turn came, the militiaman who was handing out whatever item it was, in company with the president of the Defense Committee, told her that they were all out of the desired product. My mother knew that wasn't true, but there was nothing she could do. She turned around to leave and immediately saw them go on distributing the item they had refused her and that legally she was entitled to.

In "Against All Hope," Valladares describes how Castro sought revenge against those who felt betrayed by Castro's revolution:

The men who fought alongside Castro to establish democracy had been tricked; some fled the country, others took up arms again or formed conspiracies against him. The army officers, police agents, and officials of the deposed regime who had been charged with crimes—unproven in many instances—had already been shot. But Castro had found a new enemy—the enemy within—and no one was safe from this threat of "instant justice."

It was during those months that a group of women dressed in black would come into the galeras, peering intently, scrutinizing every face. All it took was for one of those women to lift a finger and point: "That one! That's the one who killed my son!" The man stood accused. That testimony, without any other corroboration, was enough. The prisoner was shot. This situation lent itself, obviously, to personal vendetta; it didn't necessarily require any real criminal action. The execution as often carried out without any trial, in fact.

The torture and brutality inflicted on political prisoners in Cuba was intended to terrorize not only the prison population but also the general populace. Valladares, in the following passage, describes the brutal murders of four prisoners who were intended to be examples of the terror the Communists had imposed on Cuba:

Some rebels captured in the mountains of Escambray lived in Circular 4. One afternoon shortly after the visit they were called to trial. The tribunal was assembled from militiamen and soldiers of the presidio; it sat in a little garrison theater. All four of the rebel campesinos were sentenced to death. They were transported in a dump truck with their hands handcuffed behind them, under heavy guard, to the foothills of Escambray, the rebel zone, in the province of Las Villas. Another prisoner was being carried in a military jeep separate from the others. He was also handcuffed.

Two of the prisoners in the dump truck, Aquilino Cerquera and Macario Quintana,

were taken out of it and executed in the town square of their hometown, the city of Trinidad, so as to inspire terror in the other inhabitants of the region. The truck then went on toward La Campana, and the trip continued over highways curving up into the mountains. The truck stopped, the guards got out and surrounded it, and they began to fire their machine guns and rifles into the two handcuffed men. It was simple butchery. That spectacle unfolded before the horrified eyes of the prisoner traveling in the jeep, Cristóbal Airado. He was the only survivor. After the machine-gunning, the soldiers engaged the dump-truck mechanism and the bodies rolled out of the back of it to the ground. One of the officers said to Cristóbal, "This is so you'll know what we do with people who oppose the Revolution."

They had taken Cristóbal along so he could tell others what had happened. The Communists knew that soon the event would be common knowledge throughout Cuba, and the people themselves would spread the message of terror.

And another example of terror and cold-blooded murder is recounted in the following passage from Armando Valladares' book "Against All Hope:"

The year 1962 was one of great events in Cuba. Late in the year there was the Soviet missile crisis on the island, which brought the world to the threshold of atomic war. This crisis certainly was the gravest and most memorable event of 1962, but even earlier in the year there was a high-level military conspiracy aimed at bringing down the government; the Political Police infiltrated and aborted the plan, in which the Army, the Navy, and the National Police were all implicated, but the crisis left its marks. The government's reaction when the conspirators were found out was a true bloodbath. Dozens of detained soldiers were put into the jails at La Cabaña and Castillo del Morro and immediately executed, without trials, sentenced solely by the decisions of the high command of the Political Police. Those without a doubt were the most terrible nights that La Cabaña ever witnessed. Because of that conspiracy, which became known as the August 30th Plot in Cuban prisons, 460 soldiers were shot by firing squads across the island.

All the time those massive executions were being carried out, visits in the prisons of El Morro, La Cabaña, and others continued uninterrupted. That way the government could be sure the prisoners' families would spread the word of the terror of those days to all the rest of the population of Cuba.

When the conspiracy crisis was over, Castro created three different armies—the Army of the West, of the Central Region, and of the East—so that there could never again be a nationwide conspiracy mounted in Cuba. Each of these armies has its own general staff, and they are totally independent of one another. Any contact between them is considered high treason and is punishable by immediate execution.

□ 1845

Mr. Speaker, I thank the gentleman from California [Mr. SHUMWAY] for taking out this special order. It is certainly a worthy cause. I hope other nations of the world, many of whom did not vote with us last time, will see their way clear to agree with us this time that we should at least look into

these horrible allegations of human rights violations.

Mr. SHUMWAY. Mr. Speaker, I thank the gentleman from California [Mr. LAGOMARSINO] for bringing to our attention those quotes from the book, "Against All Hope."

I likewise read that book last summer and it is a very powerful book, a very moving experience that I hope all Americans, if they have not already done so, will read. At least read the excerpt of it contained in Readers Digest of sometime last year.

Mr. Speaker, I would like to conclude my remarks by reading a few paragraphs from a speech which Ambassador Valladares presented last week before the U.N. Human Rights Commission because I think these summarize very well the U.S. position and add impetus to the message we are trying to get out this evening.

I will quote from Mr. Valladares:

I am not a career diplomat nor am I an expert on the technical aspects of this Commission. I will not, therefore, make a detailed presentation on the reports and subjects that are considered under item 10. We will listen to other interventions on those important subjects.

Mr. Chairman, I would like to talk today about torture, of what it means for a human being to be tortured, humiliated, and, what is almost worse, of what it means to watch a friend or a companion or a relative being tortured.

As many of you know, I spent twenty-two years in prison for political reasons. Perhaps I am the only delegate in this Commission that has spent such a long time in prison, although I do know that some of you here know in your own flesh what torture means. I do not care what your political ideology might be; human beings are more important than any ideology—I offer you my solidarity, that of one tortured person to another.

I had many friends in prison. One of them, Roberto Lopez Chavez, was practically a child. He went on a hunger strike to protest abuses. The guards denied him water. Roberto, on the floor of his punishment cell, delirious and in agony, asked only for water * * *. water. The guards entered his cell and asked: You want water? They urinated into his mouth and onto his face. He died the following day. We had been cellmates. When he died, I felt something wither inside me.

I remember when they had me in a punishment cell, naked, my leg fractured in several places—fractures that were never treated and eventually fused into a mass of deformed bones. Through the wire mesh that covered the cell, the guards would pour over me buckets of urine and excrement that they had collected earlier.

Mr. Chairman, I know the taste of other men's urine and excrement * * * that form of torture leaves no physical trace. What does leave traces are the beatings with metal bars or bayonets. My head is covered with still detectable scars and wounds. But what is more harmful to human dignity? Buckets of urine and excrement thrown in one's face or blows from a bayonet? Under which item should we discuss this question? Under which technical point should this be discussed? Under what mass of numbers, hy-

phens, or strokes should we include this trampling of human dignity?

For me and for so many others around the world, human rights violations were not a matter of reports, negotiated resolutions, and elegant and diplomatic rhetoric. For us, it meant daily sorrow. For me, it meant eight thousand days of hunger, systematic beatings, forced labor, solitary confinement, sealed punishment cells, solitude. Eight thousand days struggling to show that I was still a human being. Eight thousand days trying to prove that my spirit could triumph over the exhaustion and the pain. Eight thousand days of testing for my religious convictions, my faith, of struggling not to allow the hatred that my atheist guards sought to sow with their bayonets to flower in my heart. Eight thousand days of fighting not to become like them, not to think of torture as a weapon, of trying to forgive, of trying never to think of vengeance, of retaliation, and of cruelty.

And when cruelty is extended to one's relatives, is that not a form of torture? My father is an elderly man. He is very ill. He also served time in political prisons. Because he is my father he is not allowed to leave the country. Over the past two years the authorities have been tormenting him—revenge for my activities. They do not beat him, but they call and tell him that he may leave the following day. My father makes the long trip to the capital full of hope. And when he is almost on board the airplane, they tell him that there was a bureaucratic error, that he has to return to his town. They do this to him every four or five weeks. They are torturing him in the same way that they tormented my sister, who now finds herself under psychiatric care.

The world of those who suffer and endure pain often has certain poetic characteristics. I think it was in a book by Victor Frankel, a survivor of the Nazi extermination camps, where I read that in the midst of their total despair, the camp inmates were kept alive by a violinist—a companion in misery who every afternoon played a piece of classical music. Everyone in the concentration camp would suddenly become quiet to hear him. That violin, with its musical notes scraped out in the midst of so much pain, was a ray of hope.

Bertold Brecht, the German playwright, tells a similar tale about a young Jewish couple imprisoned in a labor camp and separated by a fence. They had never talked, but had seen each other and loved one another. On the wall that separated them both left a daily testimony of their love: a little flower picked from the fields. One day, her flower was missing. The next day his would not be there either. Despair killed them.

Totalitarians treat their adversaries like animals. They bind them, lock them up, beat them with no explanations. The tyrant's arbitrariness reduces victims to beasts. It dehumanizes them. At times, when one is treated like a beast, the only thing that saves him from humiliation, that keeps him strong, is knowing that somewhere, someone loves him, respects him, fights to return to him his dignity. I was lucky, Mr. President: I had someone to fight for my freedom; I had my wife, who travelled the world knocking on doors and on the consciences of peoples and governments, pressuring them to demand my freedom. But the majority of those that suffer violations of human rights have only the hope that the international community, against all hope, will think about them. You are their only hope.

About these painful matters, unfortunately, I have some personal knowledge. Many years ago, perhaps twenty, a political prisoner named Fernando Lopez de Toro, came to my cell. In a tone of despair, he said to me that what hurt the most out of all of the torment, the beatings, the hunger we suffered, was that our sacrifice might be in vain. It was not the pain, but the apparent uselessness of enduring it that was defeating Fernando. I sought to explain to him that despite the ignorance and indifference of the rest of the world, our suffering still had a purpose and a transcendental significance. I do not believe that I convinced him.

Some years later, we were now in different prisons. I found out that one night Fernando could no longer endure; he took his life. Later, I learned the details of his death from his cellmates, who, almost almost annihilated by the physical and moral abuses they had undergone, had stood by immobile. Fernando climbed up on his bunk, coiled a dirty towel around his neck, and with a sharp piece of metal tore open his skin, searched with his fingers for the jugular vein and in one stroke cut it. He died a few minutes later. It was said that his jailers had direct responsibility for his death; I know that Fernando was also the victim of indifference, of silence, of that terrible echoless universe in which, in this century of horrors and violations, so many good men and women die.

Torture, violations of human rights, come from where they might, are offenses against all and must be fought with equal vigor. That is what will make our message efficacious. International condemnation is the only thing capable of pressuring the torturers, it is the only thing capable of forcing them, in order to repair their public image, to free prisoners, to be more careful, to transgress less.

Denouncing the criminal does not always ensure his punishment, but, possibly, it could prevent new crimes. We must raise our voices without fear and use all available means in defense of those who are persecuted, of the tortured of the world. We have to shout about the pain that they suffer and we must accuse their executioners without fear. We have to reach into the cells of all the world's Fernando Lopez del Toros to tell them with firmness and solidarity, "Listen, do not take your life; men of good will are with you. Your dignity as a human being will prevail. In some corner, in your honor and in your memory, there will always be a flower, the note of a violin, or the voice of compassion of those who feel they are your brothers and who will defend you. Look, you are not an animal. Do not take your life. Liberty will never disappear from the face of the earth".

HUMAN RIGHTS SITUATION IN CUBA

The State Department's 1986 report on human rights practices contains the following description of the situation in Cuba:

Repression of basic rights today is so pervasive that Cuba holds the dubious distinction of being the Western Hemisphere's most serious violator of human rights and fundamental freedoms.

Dr. Ricardo Bofill has been imprisoned on several occasions for his activities as president of the Cuban Committee for Human Rights.

I would like to read from a report he prepared last March on the human rights situation in Cuba:

CUBA 1987, THE HUMAN RIGHTS SITUATION

(By Ricardo Bofill Pages)

(Preliminary report for the 1988 United Nations Human Rights Commission meeting.)

THE RIGHT TO LIFE

The continued violation of the guarantees of human life, due to political motives, remains the worst of all the human rights violations under the regime of Fidel Castro.

Such acts as the firing squad execution of 21 year old Ivan Hernández Beluza by Ministry of the Interior guards demonstrate the customary contempt of the Cuban repressive forces for the integrity of the prisoners.

The deaths of political prisoners Eugenio González Alpizar and Nardo Saquero, both of Cienfuegos, while imprisoned in Alambra de Manacas in Las Villas, as a consequence of the cruel and degrading treatment they received and the subhuman conditions that reign in Cuban prisons constitute further evidence of the political crimes the Governmental Authorities of this Country commit against their opponents. In a similar instance, on November 15, 1986 in Combinado del Este prison in Havana, a common prisoner, Francisco Massip Suárez, was beaten to death.

The executions by shooting in February 1987 of railroad workers Ernesto Llanes Sotolongo and Efraim Montero Quesada, both from the Province of Camaguey, are another tragic example of how Fidel Castro continues to smother even the slightest trace of resistance to his authority. These men were sentenced through supposed "trials" without any guarantees of due process; their defense attorneys received their salaries from none other than the prosecution.

According to only partial data, specifically from the pavilions of death of the Combinado del Este prison in Havana, between July 1986 and June 1987, seventeen men were taken to the execution wall for alleged crimes against the security of the State.

TORTURE

All of the police agencies of Cuba utilize violent methods of interrogation as an expedient means to obtain, ad hoc, "confessions." The guards, as well as all other personnel of the repressive departments, also use torture, physical mistreatment and psychological and moral coercion against those who are deprived of their liberty. The headquarters of the Security of the State in all of the provinces of the nation, especially the one located in the city of Havana, known as "Villa Marista," as well as the Neighborhood Police Stations and the Offices of the Technical Departments of Investigation constitute, as a whole, agencies of institutionalized torture.

Within the period analyzed, the cases of the most scandalous tortures, cruel and degrading treatment and infamous pressures were those of the four leaders of the Cuban Committee Pro Human Rights who were detained by the Security of the State on September 25, 1986. They were imprisoned for many months in "Villa Marista" in dark cells with steel-planked windows and doors, completely incommunicado, in solitary confinement, without any medical assistance and forced to suffer interrogations and extortivist pressures along with other physical and moral pressures. Mr. Elizardo Sánchez Santa Cruz, Mr. Enrique Hernández

Mendez, Dr. Adolfo Rivero Caro and Dr. Samuel Martínez were subjected to treatment alien to its objective that they consent to making false declarations concerning the Committee Pro Human Rights before video tape cameras.

In the same headquarters of the Political Police of the City of Havana, a group of peasants from the Municipality of Malena del Sur, Province of Havana were victims of atrocious torture. They had resisted integrating them selves into the Cooperative of Agriculture and Livestock Production of the Zone of the Barrio "El Zapote." The treatment they suffered included their confinement in the so-called "drawers," and in the cells of refrigeration, as well as simulated executions and beatings. All this so that they would admit that they had sabotaged the planting of the sugar cane in this region. Using similar methods, G-2 obtained the confessions of Octavio Herrera Rodríguez, 70 years old, sentenced to 4 years imprisonment; Alberto Pereira Bernald sentenced to 16 years; Lázaro Changarera, sentenced to 10 years; Armonda Rodríguez Madrigal sentenced to 12 years, Julian López Ross, 59 years old, sentenced to 16 years and 8 months imprisonment and Santiago Alvarez Cardo, 69 years old, sentenced to 5 years imprisonment. In addition, all of their land which they had denied to the Cooperative was confiscated.

From the sadly famous prison "Alambra de Manacas" in Las Villas, we received a report of savagely tortured prisoners. José Felipe Santos, Minister President of the Jehovah's Witnesses of the Province of Las Villas, was sentenced to 10 years imprisonment in 1968 on a charge of "Possession of enemy propaganda," in other words, religious literature. Mr. Felipe Santos was arrested a few months after his release in 1978 and sentenced to another 10 years imprisonment for the same crime. Now, we have been informed that he was cruelly beaten by the guards at "Alambra" because he had copies of the magazine "Awaken." Another member of the Jehovah's Witnesses recently tortured in the same prison was Sergio Rodríguez Millares, 69 years old. While completing a 6 month sentence of confinement he was taken from the prison by the G-2 and sentenced to another 10 years for proselytizing the prisoners.

Political prisoner Jorge López Pinos, 25 years old and a native of Cienfuegos, was also savagely beaten by the Sergeant of the Minint, Guillén, on August 17, 1986. Another political prisoner, Bartolomé MacFarlane, 69 years old and a citizen of Jamaica, who is completing a 10 year sentence on a charge of "enemy propaganda," is regularly confined to the punishment cells because he is unable to stand up during the roll calls due to his precarious state of health. Rubén Saguero, 65 years old, who has been imprisoned since 1969 has been held incommunicado for the past nine years in adobe punishment cells, was also brutally beaten.

At the Headquarters of the Police for Security of the State for the Province of Pinar de Rio monstrous tortures were carried out against the peasants of that region in order to force them to confess to crimes they had not committed. Among them were Andrés Alvarez Friol, Alberto Puentes Pérez, Felix Padroso Alvarez, Flores Galvez Contreras, Carmelo Herrera Galvez, Enrique Galvez Alvarez, Lázaro Pérez Alvarez, Jorge Juviel Alvarez and the youngest, Marcelino Reinoso García. Presently, all of these citizens are imprisoned in Combinado del Este prison in

Havana completing sentences of 10 to 20 years.

Eduardo Delgado de la Puente, a former medical student, is one of the many political prisoners barbarously beaten at the Combinado del Este Prison in Havana. (From February 25 to March 12 he was kept in the Pavilions of Death). Armando Martinez Madru, who is kept in the Hospital Salvador Allende due to the delicate state of his health, was assaulted by Minint Major G. Calzada, the Chief of Prison Security. Edmundo López Castillo was struck on the head in the presence of the Director of the Prison, Coronel Herrera.

At this same prison, over 250 common criminals suffered terrible beatings. Among these we can highlight: Aristides Villavicencio Corrales (October 30, 1986). Manuel Herrera Baga (March 7, 1987); Jose Angel Amores Barró (March 5, 1987); and Omar Hernández Montes de Oca (October 31, 1986).

INDIVIDUAL RIGHTS

Arbitrary arrests continue to be a scourge that plagues the Cuban citizenry. The so-called "proceedings of danger," a summary procedure by which the chief of a police department in collaboration with a CDR possesses the power to jail a person without any kind of a trial, is still the primary cause of imprisonment in the Country. There are an estimated five thousand people imprisoned, between June 1986 and July 1987, with sentences that range from one to four years. Of these, at least some two thousand are political prisoners.

The director, poet and painter Nicolas Guillén Landrián, who has been imprisoned for political reasons on four different occasions, received his first warning of a "proceeding of danger" in March 1987 after he refused to make false declarations denigrating the Cuban Committee Pro Human Rights before a video tape camera.

As a result of the events that took place before the French Embassy in Havana in May 1987 during which nearly four thousand citizens gathered in front of that diplomatic headquarters in hopes of obtaining visas in order to leave Cuba, some 2,500 people were arrested, interrogated, fingerprinted and imprisoned for almost a month. Some 200 were in jail even two months after their arrest. A large number of these people hoping to leave the Island were harshly beaten by civil officials of the Ministry of the Interior. The same occurred throughout the nation during the Mariel Boatlift in 1980 when these officials assaulted with chains, dowels and sticks. Some of the aggressors shot into the crowds, thus leaving over ten men wounded, one of which, Lázaro Dueñas Gómez, 25 years old, came close to death.

RELIGIOUS PERSECUTION

The Jehovah's Witnesses have continued to be the favorite target of repression for anti-religious raids. In Havana, Artemisa, Colón, Ciego de Avila, Holguin and Guantánamo during the period studied there were massive arrests of parishioners belonging to this congregation. The majority of them received severe prison sentences. Throughout the national territory there were individual detentions of Jehovah's Witnesses, thus bringing the total number imprisoned to more than 150 for this year alone.

The veiled harassment and open and institutionalized social, economic and political discrimination against other religions has not ceased. The Major Means of Communications, completely controlled by the State,

persistently ridicule, denigrate and verbally abuse those who practice their religion.

An apparent opening toward religion which was glimpsed after Fidel Castro granted an interview to the Brazilian priest Frei Betto and the publication in Cuba of the book "Fidel and Religion," which recorded this dialogue, as well as the Celebration of the National Ecclesiastical Meeting of Cuba which the Catholic Church held in early 1986, has been reduced to nothing. The convulsion of Government pronouncements regarding tolerance and respect for the religious faith of the Cubans and its previous actions has become obvious. We can once more affirm that the open practice of religion does exist in the Cuba of Fidel Castro, but it is sustained in an officially hostile climate and at a high price in status and standard of living for the practitioners.

RESTRICTIONS UPON LIBERTY OF MOVEMENT

In the past year, the old policy of the Castro Authorities, which tramples upon the principle of the equality of all citizens before the law, of determining the immigration and the emigration of Cuban citizens according to its whims has continued unchanged. Reveling in this policy of discrimination and extortion, the General Board of Immigration of the Ministry of the Interior denies the exit or the entering to the country to all people who, for hidden and never explained reasons are placed on a doomed "black list." Involved in this flagrant abuse of power, the government of Cuba trades in human beings, demanding high ransoms as a prerequisite for granting its consent to the emigration of some citizens.

This violation of a fundamental human right sets the stage for violent acts that lead to the loss of lives. In early 1987 at the International Airport of Havana various people who had been systematically denied the opportunity to leave Cuba unfortunately resorted to attempting to hijack an airplane. Another shameful consequence of this squelching of the liberty of movement of the citizens are the constant adventures men, women, children and the elderly launch from this land in an attempt to cross the Straits of Florida in fragile boats resulting in a frightening number of deaths and disappearances.

The following are a few of the notorious examples, from tens of thousands, of this coercive policy: Dr. Abdo Canasí, a psychiatrist who has been separated from his family for 17 years and is awaiting permission to emigrate; Nicolas Guillén Landrián, director, poet, painter and former political prisoner who has been waiting for 10 years; Professor Enrique Hernández Mendez who has been waiting seven; singer Meme Solís who has been waiting nine; radio and television actor Severino Puentes who has been waiting six; Doctors Jose I. Vidosola, Samuel Martinez, José Redondo, Pedro Raimundo, Miguel Pinto Pereira who have been waiting for seven and the former captain of the Rebelde army I. Yanes Peletier who has been waiting eight.

EUROPEAN PARLIAMENT RESOLUTION ON CUBA

Last year the European Parliament passed a resolution on the situation of political prisoners in Cuba.

The European Parliament is one of the institutions of the European Community which now has 12-member states.

Mr. Speaker, I include for the RECORD a document on the European Parliament resolution of Cuba:

RESOLUTION ON THE SITUATION OF POLITICAL PRISONERS IN CUBA

THE EUROPEAN PARLIAMENT

A. Whereas human rights are universally valid and must be respected by all governments,

B. Whereas the Cuban Government is at present holding several hundred political prisoners in prison, internment camps, labour camps or psychiatric hospitals, including in particular persons who persist in rejecting the ideological indoctrination practised by the current regime,

C. Whereas most of the political prisoners are "guilty" only of defending or practising their natural right to freedom of expression, association or belief, since these basic rights are respected neither by the legal order nor by the authorities in Cuba,

D. Whereas the following cases of political prisoners are among the most serious:

(a) Alberto Valdés Terán, born 7 April 1916, former member of the Cuban Transport Workers' Association, imprisoned with his son, Calixto Alberto Valdés, who was later shot at the age of 16; Alberto Valdés Terán, who was sentenced to 30 years' imprisonment on 16 July 1963, in Case 484/63, was first sent to Cabana prison on the island of Pinos and is now in the prison of Combinado del Este; he has consistently resisted indoctrination by the Cuban authorities and has been put into solitary confinement a number of times; he is 71 years old and seriously ill, but is not given medicine or allowed visits from his friends or relatives,

(b) Amado Rodríguez Fernández, born January 1943; at the age of 18 he was sentenced to 30 years' imprisonment, in Case 216/61; he was sent to Boniato prison, in Santiago de Cuba, on 11 November 1961 and released on bail 18 years later, in 1979; he was again detained in 1983 and on 1 March 1985 was given a further sentence of 15½ years in the same prison, after being kept in the meantime in total isolation in wing 4-C of the prison, accused by the public prosecutor of having "entertained thoughts of rebellion". He has already spent 22 years, more than half his life, in prison; he is now ill and is not receiving the medical attention he requires;

(c) Many others including for example: Angel A. Fliciano Bango y Pérez, Eugenio Silva Gil, Teodoro González, Alberto Grau Sierra, Jose Pujals Mederos (Combinado del Este prison); Jesús Cairo Ceballos Juan Alberto Fernández Cabrera (Camagüey prison); and Igmaldo Fernández Guerra (Boniató en Oriente prison), all of whom have been in prison for more than 20 years,

1. Reaffirms its faith in and commitment to the universal validity of human rights;

2. Strongly urges the present Cuban authorities to release Alberto Valdés Terán, Amado Rodríguez Fernández and the other political prisoners currently held in jail;

3. Requests the Human Rights Commission of the United Nations, of which Cuba is a member, to draw up a comprehensive report on the human rights situation in Cuba, with special reference to the conditions under which political prisoners are kept;

4. Calls for safeguards for the independence of the law courts in Cuba;

5. Urges the Foreign Ministers of the Member States of the European Community meeting in political cooperation to exert as much pressure as possible on the Cuban Government to secure the release of the political prisoners;

6. Instructs its President to forward this resolution to the Foreign Ministers meeting in political cooperation, the Commission, the United Nations, the Latin American Parliament and the Government of Cuba.

□ 1900

Mr. Speaker, this is a very appropriate time for us to voice these sentiments this evening. I know that many of my colleagues join in what I have said here tonight because this House has acted affirmatively on passing such a resolution asking our representatives at the Human Rights Commission to take the action that we desire.

I think the time is here for us to not be silent about these flagrant abuses anymore, but we must insist that the United Nations speak out and condemn those abuses in our Communist neighbor to the south, Cuba.

Mr. SMITH of New Jersey. Mr. Speaker, I commend my friend from California, Mr. SHUMWAY, for organizing this special order regarding Cuba's human rights record. I share his concern that it is, indeed, "time to speak out" about Cuba's abuse of human rights and its manipulation of the United Nations system to protect itself from international scrutiny on this question.

As you know, Mr. Speaker, during the 1987 session of the United Nations Human Rights Commission, the United States effort to have Cuba's human rights abuses on the agenda of the Commission was defeated during a procedural motion by one vote. Again, in this year's session the United States has offered its resolution to the UNHRC, simply seeking a Commission investigation of the human rights situations in Cuba. The vote on the resolution is expected early next week.

Mr. Speaker, I believe that the UNHRC can regain much respect if the United States resolution calling for an inquiry into the situation in Cuba is approved. Following my statement this evening, I would like to include for the RECORD, an insightful article written by Richard Williamson, Assistant Secretary of State for International Organization Affairs, which takes the UNHRC to task for seemingly having a double standard by which the "unfree majority of nations" in the U.N. are protected from the Commission's examination. I agree wholeheartedly with Secretary Williamson and believe the UNHRC has a responsibility to address this question without hesitation or ambiguity—the 10 million Cubans living in that "island prison" deserve our attention.

Mr. Speaker, it was a great disappointment that the U.S. resolution was turned down last year in a procedural vote at the United Nations. Even more frustrating was the fact that the outcome of the vote was determined by one vote! Among those voting against the United States were Venezuela, Argentina, and Colombia—three democracies! I commend Costa Rica for their vote which supported the Cuban people—not a coverup for Castro's policies.

The international attention which focused on Cuba as a result of last year's debate in the United Nations, Mr. Speaker, prompted a few positive developments. A number of notable platados—the political prisoners who reject the political "rehabilitation" which is

conducted in the prisons—were released. Dr. Richardo Bofill Pages, founder and president of the Cuban Committee for Human Rights, was granted permission to return to public life after 6 months of taking refuge in the French Embassy in Havana. Several other prominent members of the committee who had been arrested and imprisoned since early fall 1986 were also released.

With respect to religious activity in Cuba, Mr. Speaker, Castro's regime has stressed that religious believers and their activities are counterrevolutionary. As one Cuban emigre described the regime's treatment of the church, the harassment has always been "aimed at slowly suppressing religion but without creating martyrs." The authorities have been diligent to discourage religious activity and basically thwart the growth of churches in Cuba.

Mr. Speaker, one prevalent form of religious repression against the believers is outright discrimination. Because the government is completely totalitarian and the party governs everything, those who participate in religious activities can easily be deprived of higher education and promotions at work. Children are often ridiculed and questioned in primary school about their religious activities. On the job, one's religious activities and convictions are regarded as a personal demerit—this can be detrimental to one's chances for advancement. In fact, many believers are given only menial jobs. Many others, Mr. Speaker, hide their religious activities and religious articles in order to continue their public lives without interference or demotion.

Since Castro's takeover of all 250 Catholic schools in Cuba in the early years of his dictatorship, religious schools have been prohibited. Nonetheless, Mr. Speaker, the deep yearning of the human spirit to pursue and exercise religious convictions has sustained the struggling Christians in Cuba. Certainly small Christian communities, strongly committed to their faith, exist but have been compared to the Church of the Catacombs which struggled for survival during the Roman Empire.

Mr. Speaker, the abuses of human rights in Cuba have basically been ignored—for the last three decades the world—and especially the United Nations—has turned its face away from Castro's abusive policies. The Government of Cuba has so tightly restricted outside observers that extensive details have been difficult to obtain. The International Committee for the Red Cross is denied access to the prisons (although the Cuban Representatives have claimed that the ICRC visits the prisons regularly). In fact, no human rights organization such as America's Watch or Amnesty International have been allowed access to the prisons. Last year, Castro did allow several individuals from human rights groups to visit several prisons but they were unable to gain access to the maximum security areas.

One only has to read Armando Valladares' memoirs, "Against All Hope," which I have read, Mr. Speaker, to understand the brutality of the Cuban gulag system and to be awakened to the suffering which is a reality in Castro's prisons. These prisons are horrific. The prisoners are subjected to beatings, shootings, solitary confinement in pitch black cells, insufficient food and medical care and abusive

interrogations for years on end. As Valladares himself has said, "Someday, when the whole truth is known in detail, mankind will feel the revulsion it felt when the crimes of Stalin were brought to light." Mr. Speaker, the free world has not been vocal enough about the truth in Cuba. I encourage our allies at the United Nations to support the United States in at least having Cuba placed on the agenda of the U.N. Human Rights Commission. Mr. Speaker, what a dreadful responsibility the free world has to ensure that the crimes of Castro are brought to light. I believe an investigation by the U.N. Human Rights Commission is the first step.

DOUBLE STANDARDS ON RIGHTS?

(By Richard Williamson)

Earlier this month, the 44th session of the U.N. Human Rights Commission convened in Geneva. For six weeks, government representatives from around the world will debate issues on an agenda that includes religious intolerance, torture and summary execution, as well as particular problem areas such as Afghanistan, South Africa and Chile.

At last year's session of the U.N. Human Rights Commission, a U.S. sponsored initiative to put Cuba's human rights abuses on the agenda was defeated when a procedural motion to take no action was passed by a single vote. That motion, introduced by India, came after extensive pressure from Havana, springing from Fidel Castro's fear of a vote on the merits of the case.

Making the outcome doubly bitter for the United States was the fact that several of our friends in this hemisphere, democracies themselves, failed to vote with us and thereby helped to stifle any meaningful debate on the ways in which Mr. Castro has brutalized his people.

We look to the Human Rights Commission as the primary body within the United Nations for establishing international norms of human rights and monitoring compliance with them. Much of the commission's work is based on the standards for conduct established in the Universal Declaration of Human Rights, which was adopted first by the UNHRC and then by the General Assembly in 1948.

This seminal document, much as the Bill of Rights does for our own Constitution, sets forth positively individual liberties and fundamental freedoms and the duty of governments to uphold these rights for their citizens.

Although looking back 150 years to the liberal tradition of the Enlightenment, the U.N. declaration also grew out of the immediate experience with World War II. A world in which totalitarianism flourishes behind national boundaries is a warprone state system. We had learned that governments which abuse their own citizens will abuse those of other states, if given the chance.

Tragically, over the years, the UNHRC has departed from the role envisioned for it by the U.N. founders. Instead of carrying out its mandate for impartially upholding the norms of fundamental freedoms and individual liberty, the UNHRC too often has been exploited cynically in order to reflect the political whims of the U.N. majority.

The UNHRC has become distinguished by a double standard in which countries that enjoy good standing with the unfree majority of nations in the General Assembly are

politically immune from scrutiny by the rights commission.

The implication is that in the United Nations human rights standards are only applicable to embarrass and isolate the weak and the universal application of human rights standards is undermined.

Those who charge that, by endeavoring to bring Mr. Castro's record before the commission, the United States is politicizing its work must address the present imbalance of the UNHRC's agenda. Recent years have seen Chile, El Salvador and Guatemala become fixtures on its agenda, while the single-largest abuser of human rights in this hemisphere, Cuba, not only evades scrutiny, but often is a principal sponsor of resolutions critical of other nations. It is morally offensive for a country such as Cuba to set itself up as an arbiter of international human rights.

It is vital to the credibility of the UNHRC that its members demonstrate a capability to consider the human rights conduct of governments and to expose serious abuses of human rights wherever they occur. It is because we share the human rights standards of the U.N. declaration, abhor their trespass and the consequent human misery, and believe that the commission can contribute to advancing human rights that its failure last year to address the situation in Cuba is especially disturbing.

In his 29-year rule, Fidel Castro has institutionalized repression. One-tenth of Cuba's population at the time he gained power have fled the island. According to Amnesty International, Cuba under Mr. Castro has imprisoned more persons per capita for political reasons than any other nation. In Cuba, it is even a political crime to distribute the U.N. Universal Declaration of Human Rights. In 1986, a 17-year-old boy was arrested on that charge and later died in prison under unexplained circumstances.

At all levels of society, Cuba maintains a regimented repressive system enforced by all-pervasive local committees which report to the secret police. Mr. Castro's Cuba is a place where political terror masquerades as law.

Although seemingly immune from quiet solicitations from governments to improve his human rights performance, Mr. Castro seems to have felt the heat from last year's UNHRC debate on Cuba. Recently, he has undertaken such steps as agreeing to increase immigration of political prisoners and releasing members of an unofficial human rights commission from jail, which he hopes will deflect further scrutiny by the UNHRC. However, thousands of political prisoners still languish in Cuban prisons.

It is clear that Mr. Castro is responsive to the threat of public international censure, and, accordingly, it is all the more imperative that Cuba's dismal human rights record be scrutinized formally by the UNHRC.

This year the U.S. delegation to the UNHRC is led by Armando Valadares, the distinguished poet and human rights activist who, as a political prisoner in Cuba for 22 years, has firsthand experience of Mr. Castro's repression.

Past persistent double standards have ratcheted down the moral authority and practical force of the U.N. Human Rights Commission. This can be reversed only by demonstrating that it is capable of evenhanded treatment of human rights offenses wherever they occur.

We are convinced that by any objective standard the body of evidence of continuing and systematic denial of human rights in

Cuba commands the commission to put Cuba on its agenda. To do less will be to confirm that the UNHRC is losing its ability to uphold the basic norms of human rights and will brand the UNHRC just another political tool of the undemocratic and unfree majority at the United Nations.

Mr. HERGER. Mr. Speaker, there are times when each of us is confronted by a tragedy of such enormous proportion that it is impossible for us to ignore. The suffering of our fellow human beings in Cuba is one such example.

Reading through the transcripts provided by those fortunate men and women who have survived what some have described as Fidel Castro's death camps, I am struck by the extreme sentences that the Communist regime so frequently gives for actions that in our country are not only tolerated but encouraged. Amnesty International pointed out in its 1987 report that Cuban citizens have been arrested and sentenced to years in prison for crimes such as drawing cartoons critical of government economic policy, or writing seemingly innocuous letters to Western officials in Havana.

How strange that Fidel Castro, who sets himself up to the Third World as an apostle of national liberation, should feel so threatened by cartoons. How shocking it is that his government would respond to such meek acts of protest by brutality aimed at crushing the human spirit.

The Cubans provide none of the benefits that we Americans consider central to any responsible system of incarceration. Political prisoners are fed barely enough necessary to survive. The food is neither nutritious nor healthy. Former prisoners tell of friends, deprived of water for weeks at a time, dying of dehydration, while buckets of water lie just outside their cell. Exercise is impossible when enclosed in a cell barely the size of a coffin. These cells are often unlit, and inevitably lack proper ventilation. Visits from relatives are frequently denied for months at a time. Some never see their relatives during their sentence. As one former prisoner testified, the Cuban Government treats their prisoners "like animals. They bind them, lock them up, beat them with no explanation * * *" they take away any hint of human dignity.

It is this behavior that the United Nations refuses to investigate. It is this behavior that Argentina, Venezuela, India, Mexico, and the Soviet Union, among others, refuse to acknowledge. Make no mistake about it. To ignore the torture and the resulting damage that these governments inflict upon their citizens is nothing short of reprehensible. We in the House of Representatives must do all that we can to demand that the U.N. recognize how desperate this situation has become. The world can no longer ignore the growing tragedy taking place in Cuba. It is time for us to unite in our opposition to Communist repression in our hemisphere. Let us listen to the testimony of one who knows the fate of a Cuban political prisoner from personal experience. Ambassador Valadares, the United States representative to the U.N. Human Rights Commission, and a former inmate of Cuba's prisons, said last week: "The majority of those that suffer violations of human rights have only the hope that the international com-

munity, against all hope, will think about them." We are their only hope.

GENERAL LEAVE

Mr. SHUMWAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore [Mr. DYMALLY]. Is there objection to the request of the gentlemen from California?

There was no objection.

THE OTHER CISPES CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, the files of the FBI contain literally millions of allegations, from a multitude of sources, including informants, wiretaps, interviews, phone calls and letters—some of them anonymous—reports by private "research" groups from across the political spectrum, State and local police files, documents provided by third parties, and newspaper clippings.

None of this information can be assumed to be true, as the FBI would be the first to admit. Little of it has been tested by the traditional safeguards of oath and cross examination. Much of it is uncorroborated. Some of it comes from parties seeking to advance their own interests. Some of it was fabricated by the source in order to hurt someone. Some of it is just plain rumor and gossip.

For obvious reasons, access to investigative files must be severely limited. I remember the days when congressional committees, chiefly the House Un-American Activities Committee, recklessly disclosed allegations and smears involving hundreds of loyal Americans who had never engaged in criminal conduct. The record of broken lives and injured reputations from that time in our history attests to the damage that results from the release of government investigative information.

The FBI must be particularly diligent in guarding its files. It is the most prestigious police organization in the world. When the FBI speaks, its voice is that of the U.S. Government. If the FBI says that an individual or group is suspected of terrorist or other criminal activity, that individual or group is forever so labeled. The FBI thereby becomes investigator, prosecutor, judge and jury. There are no defense attorneys, no rights of rebuttal and no appeals.

Thus it was deeply disturbing to read the public testimony of Oliver B. Revell, FBI Executive Assistant Direc-

tor, before the Senate Select Committee on Intelligence on February 23. The Committee had asked the FBI to testify regarding its investigations of the Committee in Solidarity with the People of El Salvador, or CISPES, under the Foreign Agents Registration Act from 1981 to 1982 and then as a suspected international terrorist organization from March 1983 to June 1985, when the FBI closed the investigation because no evidence of criminal activity had been developed.

In trying to justify the nationwide scope of the investigation, which involved surveillance of legitimate political activity by unions, campus groups, churches and others, Mr. Revell did not limit himself to the information previously released under the Freedom of Information Act to the Center for Constitutional Rights in New York. Nor did he ask the Senate committee to go into executive session when he was about to reveal unsubstantiated file information regarding CISPES.

Instead, Mr. Revell opened wide the FBI's confidential files, including previously classified information. In the 14 pages of his testimony and an accompanying 11 page "public report," not one criminal act was expressly charged to CISPES, yet through innuendo and guilt by association, CISPES was prosecuted, tried, and found guilty of subversion.

The first seven pages of Mr. Revell's testimony described the commendable success of the FBI in resolving a number of terrorist cases in the past decade. There was no allegation that CISPES was in any way involved in any of these cases, yet the impression was left that CISPES was on the same order as groups actually convicted of violent acts.

CISPES was alleged to be "involved in the distribution" of a Soviet-forged document to the media (testimony, p. 8), yet there was no indication—and when pressed, Mr. Revell could offer none—that CISPES knew the document was forged.

Mr. Revell stated that CISPES was "believed to have been established with assistance of" the Communist Party USA, the U.S. Peace Council and the Salvadoran Communist Party (testimony, p. 9), but he failed to point out that any such assistance, if in fact it was given, could have been entirely legal. Instead, he left the impression that it was something sinister.

The FBI's report stated that CISPES supports the FMLN, the Salvadoran guerrilla group. The report then said that the FMLN was "principally responsible for anti-government military and terrorist activity directed against the Salvadoran government and U.S. interested in El Salvador," including "bombings, kidnappings, assaults, and assassinations." (Report, p. 2.) Thus it was suggested that CISPES was somehow connected with these ac-

tions, based on its unspecified support for the FMLN.

The report also said (p. 2) that the FMLN was "a principal component" of the DRU, which it said was formed as a result of a meeting in Havana, Cuba in 1980 where Fidel Castro set unity among the rebel groups as a condition for further Cuban aid. Thus the FBI tried CISPES to Fidel Castro, based on CISPES' support for a group that was affiliated another group that was set up with the involvement of Castro.

The FBI report stated that an unidentified source stated that the FMLN and the FDR "were planning to establish clandestine cells in the United States for political, ideological and military support, as well as intelligence activities. The military cells allegedly would commit killings, sabotage and other illegal acts such as bank robberies." (Report, p. 3.) The FBI report suggests that the only connection between the illegal acts of these clandestine "military cells" and CISPES was the acknowledgement by CISPES that it supported the FMLN through political activity.

Guilt by ideological association was stretched to the breaking point when the FBI suggested a link between CISPES and two bombings in Washington: one that took place at "about the same time" a CISPES rally was held in Washington (report, p. 13) and one that was actually claimed by another group espousing positions "similar" to those of CISPES.

The FBI report states that an informant reported that a CISPES member in Dallas had been tasked to make maps of government buildings and to time the response times of "public safety vehicles," which the report stated "may well be consistent with the activities of terrorists" preparing an act of violence. (Report, p. 5.)

Another example of guilt by association is found on page 6 of the FBI report which states that "a CISPES chapter in the Midwest received communications from the United Freedom Front, a left wing domestic terrorist organization," again suggesting some sinister connection without stating whether the communications were solicited or not and whether the CISPES chapter responded or not.

Ironically many of these allegations were based on information provided by an informant from whom the FBI has been vigorously trying to distance itself and whose information Revell himself characterized as in part "blatantly false" and "concoctions."

My point, however, is not to prove or disprove these allegations regarding CISPES. My concern is that the FBI's response to the widespread criticism of its CISPES investigation was an unprecedented release of defamatory file information, suggesting links to Communists or terrorist groups. This re-

lease of unsupported allegations, few of which involve possible criminal conduct, is a major violation of the key rule for police investigatory files—that none of the information can be published except according to established rules and safeguards. This issue is just as important as whether or not the CISPES investigation itself was properly conducted.

Thirty-eight years ago, on February 9, 1950, Senator Joseph McCarthy, speaking to the U.S. Senate, said that he had in his hand a list of 205 State Department employees who were known to be card-carrying Communists. What McCarthy had was investigatory information from the FBI, a list of 205 security cases, most of them pertaining to individuals who were no longer in the Department.

During the McCarthy era, it was a common practice of the FBI to secretly disclose investigative, file information to congressional committees. That period is well behind us. But if the FBI responds to criticism by doing publicly, before TV cameras, what it once did privately, then we have not come very far at all. If we abolished HUAC only to give the FBI a forum for derogatory accusations, then the reputations of groups and individuals in the FBI's vast files are never secure. The FBI's response to criticism in this case was wrong, and I hope that it is never repeated.

Mr. Speaker, the FBI's investigative files are highly sensitive. Improper release of file information by the Government—the FBI—is a violation of the constitutional and statutory right of privacy and can cause grave injury to innocent people or groups.

I urge the distinguished new Director of the FBI, William S. Sessions, to issue instructions immediately to all FBI offices, reaffirming the Bureau's commitment to due process and respect for privacy in the handling of investigative files. The Director's message should be loud and clear: the FBI cannot respond to criticism by circulating unproven accusations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHUMWAY) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, each day on March 8 and 9.

Mr. DREIER of California, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes, each day on March 24, 29, 30, and 31.

(The following Members (at the request of Mr. LOWRY of Washington) to

revise and extend their remarks and include extraneous material:)

Mr. KASTENMEIER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GRAY, of Pennsylvania, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DE LA GARZA, for 60 minutes, on March 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHUMWAY) and to include extraneous matter:)

Mr. HEFLEY.

Mr. DONALD E. LUKENS.

Mr. GUNDERSON in two instances.

Mr. DREIER of California.

Mr. DIOGUARDI in two instances.

Mr. COURTER in two instances.

Ms. SNOWE.

Mr. STANGELAND.

Mr. LOWERY of California.

Mr. WHITTAKER.

Mr. DUNCAN in three instances.

Mr. LEWIS of Florida.

Mr. DANNEMEYER.

Mr. LAGOMARSINO.

Mr. HANSEN.

Mr. GALLO.

(The following Members (at the request of Mr. LOWRY of Washington) and to include extraneous matter:)

Mr. TORRES.

Ms. KENNELLY.

Mr. JONES of North Carolina.

Mr. GARCIA in two instances.

Mr. CLAY.

Mr. FASCELL.

Mr. HOCHBRUECKNER.

Mr. TRAFICANT.

Mr. MILLER of California.

Mr. DINGELL.

Mr. VENTO.

Mr. SOLARZ.

Mr. MARKEY.

Mr. McMILLEN of Maryland.

Mr. MANTON in two instances.

Mr. KLECZKA.

Mr. MORRISON of Connecticut.

Mr. STUDDS.

Mr. BRYANT.

Mr. ROWLAND of Georgia.

Mr. BONKER in two instances.

Mr. THOMAS A. LUKEN.

Mr. BRENNAN.

Mr. KOLTER.

Mr. DARDEN.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills, and joint resolutions of the Senate of the following titles:

S. 557. An act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act

of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; S. 1447. An act to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area;

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; and

S.J. Res. 262. Joint resolution to designate the month of March 1988, as "Women's History Month".

ADJOURNMENT

Mr. EDWARDS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday March 7, 1988, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1987 and the first quarter of calendar year 1988 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Orest Deychakiwsky	8/30	8/31	Munich, Germany		132.00						132.00
Committee total					132.00						132.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY H. HOYER, Feb. 10, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Michael Barrett	10/30	11/03	Korea		826.00						826.00
	11/04	11/09	Japan		1,563.00						1,563.00
Commercial air fare							3,891.00				3,891.00
David Nelson	10/30	11/03	Korea		826.00						826.00
	11/04	11/09	Japan		1,563.00						1,563.00
Commercial air fare							3,891.00				3,891.00
Russell Smith	10/30	11/03	Korea		826.00						826.00
	11/04	11/09	Japan		1,563.00						1,563.00
Commercial air fare							3,891.00				3,891.00
Peter D.H. Stocton	10/30	11/03	Korea		332.00						332.00
	11/04	11/09	Japan		1,563.00						1,563.00
Commercial air fare							3,891.00				3,891.00
Wm. M. Kitzmiller	11/04	11/08	Cayman Islands		1,246.34						1,246.34
Commercial air fare							403.66				403.66
John A. Riggs	11/07	11/12	West Germany		188.00						188.00
Commercial air fare							822.00				822.00
Ripley Forbes	11/08	11/11	Japan		1,108.00						1,108.00
Conference fee								330.00			330.00
Commercial air fare							2,408.59				2,408.59
John A. Riggs	12/04	12/07	Great Britain		153.06						153.06
Commercial air fare							819.00				819.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Peter Budetti.....			Japan.....								
Conference fee.....									330.00		330.00
Committee total.....					11,757.40		20,017.25		660.00		32,434.65

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Leslie L. Megyeri.....	12/1	12/11	Germany.....	2,241.25	1,400.00					2,241.25	1,400.00
	12/12	12/17	Italy.....	910.360	758.00		862.00				1,620.00
Chris D. Aldridge.....	12/1	12/11	Germany.....	2,241.25	1,400.00					2,241.25	1,400.00
	12/12	12/17	Italy.....	910.360	758.00		862.00				1,620.00
Hon. Howard Nielson.....	12/11	12/13	Nicaragua.....		306.00		1,605.00				1,911.00
Committee total.....					4,622.00		3,329.00				7,951.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Jan. 31, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
C. Duncan.....	11/11	11/13	Canada.....		525.42						525.42
Military transportation.....							1,380.60				1,380.60
J. LaFalce.....	11/11	11/13	Canada.....		525.42						525.42
Military Transportation.....							1,380.60				1,380.60
M. Lancaster.....	11/11	11/13	Canada.....		525.42						525.42
Military transportation.....							1,380.60				1,380.60
R. Orban.....	11/11	11/13	Canada.....		525.42						525.42
Military transportation.....							1,380.60				1,380.60
D. Terry.....	11/11	11/13	Canada.....		525.42						525.42
Military transportation.....							1,380.60				1,380.60
Committee total.....					2,627.10		6,903.00				9,503.10

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN J. LaFALCE, Chairman, Feb. 17, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Steny H. Hoyer.....	10/8	10/10	Austria.....		352.00		^a 8,450.00				8,802.00
	10/10	10/13	Germany.....		564.00		80.00		51.00		695.00
Timothy Wirth.....	10/8	10/12	Austria.....		704.00		^a 8,450.00				9,154.00
	10/12	10/13	Germany.....		188.00						188.00
Samuel G. Wise.....	10/10	10/13	Germany.....		564.00		80.00		51.00		695.00
	10/10	10/13	Germany.....				^a 4,041.00				4,041.00
	10/13	10/13	Germany.....				^a 324.00				324.00
Mary Sue Hafner.....	10/8	10/10	Austria.....		352.00		^a 8,450.00				8,802.00
	10/10	10/13	Germany.....		564.00		80.00		51.00		695.00
Jane S. Fisher.....	10/8	10/10	Austria.....		352.00		^a 8,450.00				8,802.00
	10/10	10/13	Germany.....		564.00		80.00		51.00		695.00
Erika B. Schlager.....	10/8	10/10	Austria.....		352.00		^a 8,450.00				8,802.00
	10/10	10/13	Germany.....		564.00		80.00		51.00		695.00
Henry H. Janin.....	10/8	10/10	Austria.....		704.00		^a 8,450.00				9,154.00
	10/12	10/13	Germany.....		188.00						188.00
Samuel G. Wise.....	9/14	10/17	Vienna, Austria.....		^a 1,856.00		^a 1,392.00				3,248.00
	10/25	12/19	Vienna, Austria.....		^a 3,283.00		^a 1,049.00				4,332.00
Robert A. Hand.....	9/14	12/19	Vienna, Austria.....		12,008.00		^a 1,392.00				13,400.00
Ronald J. McNamara.....	9/19	12/19	Vienna, Austria.....		11,476.00		^a 1,186.00				12,662.00
Meredith B. Brown.....	9/19	12/19	Vienna, Austria.....		11,598.00		^a 1,186.00				12,784.00
Michael J. Ochs.....	11/30	12/18	Soviet Union.....		3,186.00		^a 1,449.00		^a 100.00		4,735.00
	12/18	12/19	London, England.....		242.00						242.00
John J. Finerty.....	11/30	12/18	Soviet Union.....		3,186.00		^a 1,546.00		^a 3.00		4,735.00
	12/18	12/19	London, England.....		242.00						242.00
Catherine Cosman.....	11/30	12/18	Soviet Union.....		3,186.00		^a 1,546.00		^a 3.00		4,735.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1987—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
R. Spencer Oliver	12/18	12/19	London, England		242.00						242.00
	12/10	12/12	Brussels, Belgium		435.00		3,907.00				4,342.00
	12/13	12/16	Vienna, Austria		408.00						408.00
Committee totals					57,360.00		70,118.00		361.00		127,839.00

¹ Per diem constitutes lodging and meals.
² One-half per diem.

³ If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
⁴ Ground transportation and food costs.

⁵ Round trip military.

⁶ One-way military.

⁷ One-way commercial.

STENY H. HOYER, Feb. 10, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HUNGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jeffrey Clark	1/12	1/13	Italy		200.00						200.00
	1/14	1/21	Angola		1,700.00						1,700.00
	1/21	1/22	Brazil		200.00		4,254.00				4,454.00
Edward Swanson	1/12	1/13	Italy		200.00						200.00
	1/14	1/21	Angola		1,700.00						1,700.00
	1/12	1/22	Brazil		200.00		4,254.00				4,454.00
Robert Jackson	1/12	1/13	Italy		200.00						200.00
	1/14	1/21	Angola		1,700.00						1,700.00
	1/21	1/22	Brazil		200.00		4,254.00				4,454.00
Committee total					6,300.00		12,762.00				19,062.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICKEY LELAND, Chairman, Feb. 4, 1988.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3040. A letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to amend the United States Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes; to the Committee on Agriculture.

3041. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of the report on the coproduction or coassembly of the M1 or the M1A1 tank, pursuant to Public Law 100-180, section 1023; to the Committee on Armed Services.

3042. A letter from the Secretary of Education, transmitting a copy of notice of final priority for the Fund for the Improvement of Postsecondary Education [FIPSE] Lectures Program for fiscal year 1988, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3043. A letter from the Secretary of Education, transmitting a copy of final regulations—assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3044. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of the agency's activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3045. A letter from the Administrator, Small Business Administration, transmitting a report of the agency's action taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

3046. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report of the Corporation's compliance with the Government in the Sunshine Act during calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3047. A letter from the Chairman, Federal Election Commission, transmitting a report of the Commission's activities under the Freedom of Information Act during 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3048. A letter from the Executive Secretary, Office of the Secretary, Department of Defense, transmitting the Department's annual report of its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3049. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of the Corporation's actions taken to increase competition for contracts during fiscal year 1987, pursuant

to 41 U.S.C. 419; to the Committee on Government Operations.

3050. A letter from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting the Board's report of its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3051. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease-purchase prospectus for Foley Square in New York City, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3052. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed amended legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1989 and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHLERT:

H.R. 4074. A bill to amend the Federal Aviation Act of 1958 to provide for use of the Nation's airports on a cost-recovery basis; to the Committee on Public Works and Transportation.

By Mr. HUGHES (for himself, Mr. SAXTON, Mr. CARPER, Mr. DYSON, Mr. HOWARD, and Mr. SMITH of New Jersey):

H.R. 4075. A bill to impose special fees on the ocean disposal of municipal sludge, to prohibit disposal of municipal sludge into the ocean after December 31, 1991, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOUCHER (for himself and Mr. DINGELL):

H.R. 4076. A bill to amend title 18, United States Code, to extend penalties for the operation of a locomotive, and to provide increased penalties for the operation of a common carrier, under the influence of alcohol or drugs if such operation results in serious bodily injury or death; to the Committee on the Judiciary.

By Mrs. BOXER:

H.R. 4077. A bill to permit persons who will be eighteen years of age on the date of a Federal election to vote in the related primary election; to the Committee on House Administration.

By Mr. CROCKETT (for himself, Mr. DYMALLY, Mr. FRANK, Mr. FAUNTROY, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. GONZALEZ, Mr. SAVAGE, Mr. WHEAT, Mr. OWENS of New York, Mr. BONIOR of Michigan, Mr. CLAY, Mr. LELAND, Mr. RAHALL, Mr. MORRISON of Connecticut, Mr. BATES, Mr. RANGEL, and Mr. CONYERS):

H.R. 4078. A bill to repeal the Anti-Terrorism Act of 1987; to the Committee on Foreign Affairs.

By Mr. DIOGUARDI:

H.R. 4079. A bill to amend the Immigration and Nationality Act to provide lawful temporary resident status for certain aliens based upon petitions submitted to the Attorney General on behalf of such aliens by sponsoring employers and labor unions, and for other purposes; to the Committee on the Judiciary.

H.R. 4080. A bill to provide for the legalization of certain aliens and to provide for units of assessment to determine the qualification of aliens for such benefit; to the Committee on the Judiciary.

H.R. 4081. A bill to authorize the original enlistment of certain aliens in the armed forces of the United States and the militias of the several States, to provide temporary and permanent resident status to such enlisted members, and for other purposes; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. DUNCAN:

H.R. 4082. A bill to amend the Internal Revenue Code of 1986 to provide that the Internal Revenue Service may waive interest on underpayments attributable to retroactive tax legislation; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mrs. SCHROEDER, Mr. PASHAYAN, Mr. SOLARZ, Mr. HORTON, and Mr. DYMALLY):

H.R. 4083. A bill to amend title 5, United States Code, to authorize the establishment of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GARCIA:

H.R. 4084. A bill to amend the Bretton Woods Agreements Act to require the United States Executive Director of the International Monetary Fund to propose the establishment of an independent audit

unit within the Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUTTO (for himself, Mr. JONES of North Carolina, and Mr. DAVIS of Michigan):

H.R. 4085. A bill to authorize appropriations for the Coast Guard for fiscal year 1989, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 4086. A bill to amend title 35, United States Code, to set forth the basis for determining whether a person has engaged in conduct constituting misuse or illegal extension of a patent, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

H.R. 4087. A bill to provide for adjustment of status of certain aliens who arrived in the United States before September 1, 1987, and who have continuously resided in the United States since such date; to the Committee on the Judiciary.

By Mr. KOLTER:

H.R. 4088. A bill to amend the Internal Revenue Code of 1986 to terminate the exclusion from gross income of Americans working abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. RINALDO):

H.R. 4089. A bill to coordinate the regulatory authority of the Federal Energy Regulatory Commission with that of State or local regulatory agencies relative to service which would bypass local utility service and to facilitate the resolution at the State or local regulatory level of competition policy issues relating to local service; to the Committee on Energy and Commerce.

By Mr. RAY (for himself, Mr. HATCHER, Mr. COMBEST, Mr. BARNARD, Mr. KYL, Mr. LAGOMARSINO, Mr. MARLENEE, Mr. MONTGOMERY, Mr. ROWLAND of Georgia, Mr. SISISKY, Mr. SUNDQUIST, Mr. WILSON, and Mr. STENHOLM):

H.R. 4090. A bill to amend the Solid Waste Disposal Act to modify the requirements respecting liability insurance for underground storage tanks, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHUETTE:

H.R. 4091. A bill to provide for the issuance of educational savings bonds a portion of the interest on which is exempt from taxation, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 4092. A bill to continue until January 1, 1990, a reduced rate of duty on ceramic statues, statuettes, and hand-made flowers; to the Committee on Ways and Means.

By Mr. ROBERT F. SMITH (for himself and Mr. DENNY SMITH):

H.R. 4093. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Umatilla Basin Project, OR, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. SNOWE (for herself and Mr. BRENNAN):

H.R. 4094. A bill to require the provision of certain employee protection arrangements in certain railroad transactions involving parties under common control unless the Interstate Commerce Commission imposes employee protection arrangements within 6 months; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.R. 4095. A bill to reform procedures for the imposition of capital punishment, and for other purposes; to the Committee on the Judiciary.

H.R. 4096. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself and Mr. BILBRAY):

H.R. 4097. A bill to direct the Secretary of the Interior to transfer a certain parcel of land in Clark County, NV; to the Committee on Interior and Insular Affairs.

By Mr. WALGREN (for himself, Mr. THOMAS A. LUKE, Mr. MAZZOLI, Mr. HUBBARD, Mr. GRAY of Illinois, Mr. APPLEGATE, Mr. MURPHY, and Mr. GAYDOS):

H.R. 4098. A bill to amend the provisions of the Solid Waste Disposal Act regarding the regulation of storage tanks containing hazardous substances; to the Committee on Energy and Commerce.

By Mr. EDWARDS of Oklahoma:

H.J. Res. 484. Joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America; considered and amended; failed of passage.

By Mr. DINGELL (for himself and Mr. SHUSTER):

H.J. Res. 485. Joint resolution designating June 26 through July 2, 1988, as "National Safety Belt Use Week"; to the Committee on Post Office and Civil Service.

By Mr. JONES of North Carolina (for himself, Mr. BIAGGI, Mr. ANDERSON, Mr. STUDDS, Mr. HUBBARD, Mr. LOWRY of Washington, Mr. HUTTO, Mr. TAUZIN, Mr. HERTEL, Mr. DYSON, Mr. BORSKI, Mr. CARPER, Mr. TALLON, Mr. THOMAS of Georgia, Mr. MANTON, Mr. BRENNAN, Mr. HOCHBRUECKNER, Mr. DAVIS of Michigan, Mr. YOUNG of Alaska, Mr. FIELDS, Mr. LENT, Mr. BATEMAN, Mr. MILLER of Washington, Mrs. BENTLEY, Mr. COBLE, Mr. WELDON, and Mrs. SAIKI):

H.J. Res. 486. Joint resolution to designate the week beginning October 30, 1988, as "National Marine Technology Week"; to the Committee on Post Office and Civil Service.

By Mr. CROCKETT (for himself, Mr. LAGOMARSINO, Mr. STUDDS, Mr. HYDE, Mr. GEJDESEN, Mr. DORNAN of California, Mr. KOSTMAYER, Mr. MACK, Mr. WEISS, Mr. DEWINE, Mr. FUSTER, Mr. SOLARZ, and Mr. BONKER):

H. Con. Res. 259. Concurrent resolution marking the fourth anniversary of the closing of ABC Color, the only independent newspaper of Paraguay; condemning the refusal of the Government of Paraguay to permit the reopening of ABC Color; and urging the Government of Paraguay to guarantee freedom of the press; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. FISH introduced a bill (H.R. 4099) for the relief of Melissa Johnson; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 387: Mr. KOSTMAYER, Mr. MANTON, and Mr. WOLFE.

H.R. 570: Mr. SMITH of New Hampshire.

H.R. 593: Mr. LEWIS of Georgia.

H.R. 612: Mr. LaFALCE and Mr. THOMAS A. LUKEN.

H.R. 671: Mr. MARKEY.

H.R. 680: Mr. MARKEY.

H.R. 925: Mr. FOLEY.

H.R. 958: Mr. BARTLETT, Mr. CHANDLER, Mr. GREGG, Mr. HANSEN, Mr. KONNYU, and Mr. MORRISON of Washington.

H.R. 1076: Mr. BEVILL, Mrs. BOXER, Mr. CHAPPELL, Mr. DeFAZIO, Mr. EMERSON, Mr. FAUNTROY, Mr. GRANT, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. HUTTO, Ms. KAPTUR, Mr. KONNYU, Mr. LATTI, Mr. LENT, Mr. MARKEY, Mr. MATSUI, Mr. RODINO, Mr. STARK, Mr. SWIFT, Mr. SWINDALL, and Mr. WEBER.

H.R. 1201: Mr. LOWRY of Washington.

H.R. 1352: Mr. McHUGH.

H.R. 1531: Mr. DONNELLY and Mr. McCURDY.

H.R. 1580: Mr. LANTOS and Mr. DONNELLY.

H.R. 1597: Ms. SNOWE.

H.R. 1638: Mr. PENNY.

H.R. 1729: Mr. SLAUGHTER of Virginia.

H.R. 1765: Mr. DURBIN, Mr. PORTER, and Mr. MYERS of Indiana.

H.R. 1766: Mr. TORRICELLI.

H.R. 1808: Mr. McHUGH.

H.R. 1832: Mr. STAGGERS, Mr. LANCASTER, Mr. MARTINEZ, Mr. BEREUTER, and Mr. GILMAN.

H.R. 1957: Mr. RHODES, Mr. GEJDENSON, Mr. HUCKABY, Mr. GRANDY, Mr. DWYER of New Jersey, Mr. GALLO, Mr. MORRISON of Washington, Mr. SKEEN, Mr. ROBERT F. SMITH, Mr. BORSKI, Mr. DONALD E. LUKENS, Mr. MARLENEE, Mr. WALGREN, Mr. LEHMAN of California, Mr. BRENNAN, Mr. ROGERS, Mr. WILSON, Mr. WELDON, Mr. HAYES of Louisiana, Mr. DAVIS of Michigan, Mr. LUJAN, Mr. KANJORSKI, Mr. CARPER, Mr. BROWN of California, Mr. LIGHTFOOT, Mr. COELHO, Mr. FLORIO, Mr. PASHAYAN, Mr. BARTON of Texas, Mr. GEPHARDT, Mr. FROST, Mr. COYNE, Mr. SWINDALL, Mr. SHAW, Mr. PARRIS, Mr. SLAUGHTER of Virginia, Mr. COUGHLIN, and Mr. STENHOLM.

H.R. 1966: Mr. FRANK, Mr. McHUGH, and Mr. OWENS of Utah.

H.R. 2057: Mr. OBEY.

H.R. 2522: Mr. HAWKINS, Mr. BONKER, Mr. STOKES, Mr. ACKERMAN, Mr. COLEMAN of Texas, Mr. MOODY, Mr. KLECZKA, and Mr. SIKORSKI.

H.R. 2532: Ms. OAKAR, Mr. JONES of North Carolina, Mr. WOLPE, and Mr. VALENTINE.

H.R. 2640: Mr. WHITTEN, Ms. OAKAR, Mr. HEFLEY, Mr. ERDREICH, Mr. WHEAT, Mr. PASHAYAN, Mr. HARRIS, Mr. BEVILL, Mr. JONTZ, Mr. KANJORSKI, Mr. STAGGERS, Mr. CALLAHAN, Mr. OXLEY, and Mr. CRAIG.

H.R. 2642: Mr. NIELSON of Utah.

H.R. 2666: Mr. WORTLEY, Mr. BERMAN, and Mr. FORD of Tennessee.

H.R. 2854: Mr. ATKINS and Mr. LEHMAN of Florida.

H.R. 3250: Mr. GORDON and Mr. LANTOS.

H.R. 3334: Mr. RAVENEL, Mr. GILMAN, and Mr. FISH.

H.R. 3390: Mr. SMITH of Texas, Mr. COURTER, Mr. FRANK, Mr. CHANDLER, Mr. FAWELL, Mr. GLICKMAN, Mr. BILBRAY, Mr. OXLEY, Mr. LUJAN, Mr. FIELDS, Mr. HILER, Mr. HEFLEY, Mr. HENRY, Mr. ROE, Mr. McEWEN, Mrs. MARTIN of Illinois, Mr. ARMEY, Mr. CAMPBELL, and Mr. SHUMWAY.

H.R. 3490: Mr. KEMP.

H.R. 3511: Mr. HOYER.

H.R. 3562: Mr. BENNETT, Mr. BATEMAN, Mr. SMITH of New Hampshire, Mr. FLAKE, Mr.

CHAPMAN, Mr. GRANT, Mr. GREGG, Mr. HOWARD, Mrs. SCHROEDER, Mr. LIPINSKI, Mr. HATCHER, Mr. KASTENMEIER, Mr. DARDEN, Mr. CRAIG, Mr. LUJAN, Mr. GILMAN, Mr. MARTIN of New York, Mr. PURSELL, Mr. ROYBAL, Mr. TORRES, Mr. BOLAND, Mr. DYMAALLY, Mr. BONIOR of Michigan, Ms. SLAUGHTER of New York, Mr. BALLENGER, Mr. STAGGERS, Mr. FROST, Mr. HAYES of Illinois, Mr. THOMAS of Georgia, Mr. BUSTAMANTE, Mr. WYLLIE, Mr. APPELGATE, Mr. NIELSON of Utah, Mr. GONZALEZ, Mr. MURPHY, Mr. EVANS, Mr. DWYER of New Jersey, Mr. PERKINS, Mr. OWENS of Utah, Mr. MICA, Mr. HUTTO, Mr. McCLOSKEY, Mr. GEJDENSON, Mr. HARRIS, Mr. ROWLAND of Georgia, Mr. SAVAGE, Mr. SCHEUER, Mr. SISISKY, Mr. SKELTON, Mr. TALLON, Mr. DAVIS of Illinois, Mr. TRAFICANT, Mr. COLEMAN of Missouri, Mr. LELAND, Mr. GINGRICH, Mr. WOLPE, and Mr. STRATTON.

H.R. 3588: Mr. WEISS, Mr. OWENS of Utah, Mr. BERMAN, Mr. JONTZ, and Mr. MOODY.

H.R. 3602: Mr. FRANK, Mr. HALL of Ohio, Mr. FORD of Tennessee, Mr. JOHNSON of South Dakota, and Mr. MATSUI.

H.R. 3619: Mr. ALEXANDER, Mr. MINETA, Mr. DeFAZIO, and Mr. FROST.

H.R. 3696: Mr. FISH and Mr. MAVROULES.

H.R. 3769: Mrs. SAIKI, Mr. FORD of Tennessee, Mr. WYDEN, and Mr. LELAND.

H.R. 3791: Mrs. SAIKI and Mr. NEAL.

H.R. 3844: Mr. DENNY SMITH, Mr. SLAUGHTER of Virginia, Mr. TAYLOR, Mr. WOLPE, and Mr. DYSON.

H.R. 3878: Mr. DOWDY of Mississippi.

H.R. 3893: Mr. McEWEN, Mr. NEAL, Mr. HOYER, Mr. BALLENGER, Mr. CLARKE, and Mrs. BYRON.

H.R. 3903: Mr. WORTLEY.

H.R. 3907: Mr. BALLENGER, Mr. LEACH of Iowa, Mr. STUMP, Mr. TAYLOR, Mr. ARMEY, and Mr. RAVENEL.

H.R. 3951: Mr. HALL of Texas.

H.R. 3953: Mr. RODINO, Mr. OWENS of New York, Mr. SOLARZ, Mr. ACKERMAN, Mr. ROE, Mr. CONTE, Mrs. SCHROEDER, Mr. MOAKLEY, Mr. WISE, and Mr. GARCIA.

H.R. 3955: Mr. ORTIZ, Mr. SYNAR, Mr. CHAPMAN, Mr. DAVIS of Illinois, Mr. HORTON, Mr. DYSON, Mr. GOODLING, Mr. NICHOLS, and Mr. SHUSTER.

H.R. 4002: Mr. GUNDERSON and Mr. HOUGHTON.

H.R. 4011: Mr. HARRIS, Mr. GLICKMAN, Mr. ROBINSON, and Mr. KASICH.

H.J. Res. 48: Mr. CRAIG and Mr. DYSON.

H.J. Res. 148: Mr. CONTE and Mr. LANTOS.

H.J. Res. 232: Mr. OWENS of New York and Mr. MARTINEZ.

H.J. Res. 287: Mr. GREEN and Mr. MARKEY.

H.J. Res. 330: Mr. FAZIO, Mr. VENTO, Mr. DIXON, Mr. FAUNTROY, Mr. FLORIO, Mr. RODINO, Mr. DWYER of New Jersey, Mrs. PATTERSON, Mr. NEAL, Mr. EVANS, Mr. FEIGHAN, Mr. BONIOR of Michigan, Mr. MATSUI, Mr. SKELTON, and Mr. HUGHES.

H.J. Res. 371: Mr. ATKINS, Mrs. COLLINS, Mr. EVANS and Ms. PELOSI.

H.J. Res. 378: Mrs. MORELLA, Mr. HOPKINS, Mr. HOYER, Mr. NOWAK, Mr. JONES of North Carolina, Mr. MARTIN of New York, Mr. CARDIN, Mr. KEMP, Mr. DONNELLY, Mr. DIOGUARDI, Mr. FAZIO, Mr. DAVIS of Michigan, Mr. TRAXLER, Mr. FASCELL, Mr. MARTINEZ, Mr. GOODLING, Ms. SNOWE, Mr. SHAW, Mr. MACK, Mr. McDADE, Mr. McCLOSKEY, Mr. ATKINS, Mr. COELHO, and Mr. FEIGHAN.

H.J. Res. 386: Mr. FEIGHAN and Mr. HOUGHTON.

H.J. Res. 405: Mr. SAXTON, Mr. WELDON, Mr. WILLIAMS, Mr. BUECHNER, Mr. ERDREICH, Mr. BOSCO, Mr. BLILEY, and Mr. TORRICELLI.

H.J. Res. 408: Mr. VENTO, Mr. LOWRY of Washington, Mr. HEFNER, Mr. BROWN of

Colorado, Mr. YOUNG of Florida, Mr. BOLAND, Mr. LEHMAN of Florida, Mr. WORTLEY, Mr. CROCKETT, Mr. FROST, Mr. WALGREN, Mr. RICHARDSON, Mr. DAVIS of Michigan, Mr. FLIPPO, Mr. WISE, Mr. BENNETT, Mr. GRAY of Pennsylvania, Mr. MINETA, Mr. KASTENMEIER, Mr. CONTE, Mr. BROWN of California, Mr. LEVIN of Michigan, Mr. TOWNS, Mr. RUSSO, Mr. KOSTMAYER, Mr. SCHEUER, Mr. GARCIA, Mr. GONZALEZ, Mr. HAYES of Illinois, Mr. SCHAEFER, Mrs. VUCANOVICH, Mr. WOLF, Mr. MACK, Mr. DICKS, Mr. SUNIA, Mr. COELHO, Mr. MATSUI, Mr. JONES of North Carolina, Mr. TALLON, Mr. CARPER, Mr. DORGAN of North Dakota, Mr. FASCELL, Mr. BILBRAY, Mr. BOUCHER, Mr. HOWARD, Mr. NELSON of Florida, Mr. BATEMAN, Mr. ORTIZ, Mr. MURPHY, Mr. PEPPER, Mr. GRAY of Illinois, Mr. HYDE, Mr. DeWINE, Ms. OAKAR, Mr. ATKINS, Mr. OBERSTAR, Mr. MONTGOMERY, Mr. BLILEY, Mr. FOGLETTA, Mr. NICHOLS, Mr. BOSCO, Mr. LEVINE of California, Mr. VISCLOSKEY, Mr. NATCHER, Mr. SABO, Mr. DOWDY of Mississippi, Mr. SKELTON, Mr. VOLKMER, Mr. RODINO, Mr. McDADE, Mr. FUSTER, Mr. COOPER, Mr. DELUMS, Mr. DIXON, Mr. MacKAY, Mr. AKAKA, Mr. CRAIG, Mr. EARLY, Mr. TORRICELLI, Mr. McHUGH, Mr. MARTIN of New York, Mrs. BENTLEY, Mr. DIOGUARDI, Mrs. LLOYD, Mr. BORSKI, Mr. HALL of Ohio, Mr. KOLTER, Mr. BONIOR of Michigan, Mr. PANETTA, Mr. HAMILTON, Mr. De LUGO, and Mr. RAVENEL.

H.J. Res. 420: Mr. FUSTER, Mr. GARCIA, Mr. JENKINS, Mr. HYDE, Mrs. COLLINS, and Mr. ROWLAND of Georgia.

H.J. Res. 449: Ms. SNOWE, Mr. DORNAN of California, Mr. MORRISON of Washington, Mr. STALLINGS, Mr. MORRISON of Connecticut, Mr. MARTIN of New York, Mr. BLAZ, Mr. LAGOMARSINO, Mr. McCLOSKEY, Mr. McDADE, Mrs. LLOYD, Mrs. PATTERSON, Mr. FAWELL, Ms. PELOSI, Mr. LaFALCE, Mr. SMITH of Florida, Mr. DAUB, Mr. FUSTER, Mr. WEISS, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. CHAPMAN, Mr. ACKERMAN, Mr. BEVILL, Mr. RAY, Mrs. BOXER, Mr. EVANS, Mr. DWYER of New Jersey, Mr. OWENS of Utah, Mr. McMILLEN of Maryland, Mr. NEAL, Mr. McGRATH, Mr. MOORHEAD, Mr. ATKINS, Mr. THOMAS of Georgia, Mr. TALLON, Mr. OWENS of New York, Mr. LEHMAN of Florida, Mr. ROE, Mr. VALENTINE, Mr. HALL of Texas, Mr. WOLF, Mr. RODINO, Mr. MOAKLEY, Mr. BLILEY, Mr. MRAZEK, Mr. CHAPPELL, Mr. GRAY of Illinois, Mr. HATCHER, Mr. FLORIO, Mr. SCHUETTE, Mr. HUTTO, Mr. DENNY SMITH, Mr. KOSTMAYER, Mr. FAUNTROY, Mr. LEVIN of Michigan, Mr. PORTER, Mrs. KAPTUR, Mr. HORTON, Mr. WORTLEY, Mrs. MARTIN of Illinois, Mr. RANGEL, and Mr. BRYANT.

H.J. Res. 453: Mr. WOLF, Mr. BROWN of California, Mr. RAVENEL, Mr. HORTON, Mr. GRANT, Mrs. BOXER, Mr. FAWELL, Mr. KILDEE, Mr. RUSSO, Mr. HILER, Mr. MARTIN of New York, Mr. HALL of Ohio, Mr. RICHARDSON, Mr. ERDREICH, Mr. MONTGOMERY, Mr. JENKINS, Mr. TALLON, Mr. DAUB, Mr. OXLEY, Mr. HYDE, Mr. WOLPE, Mr. THOMAS of Georgia, Mr. ROE, Mr. MICHEL, Mr. KASICH, Mr. AKAKA, Mr. MANTON, Mrs. ROUKEMA, Mrs. LLOYD, Mr. YATRON, and Mr. CRAIG.

H.J. Res. 464: Mrs. BOXER, Mr. FLORIO, Mr. SCHUETTE, Mr. VOLKMER, Mr. WEISS, Mr. CAMPBELL, Mr. NEAL, Mrs. COLLINS, Mr. DeFAZIO, Mr. QUILLLEN, and Mr. BROWN of Colorado.

H.J. Res. 476: Mrs. KENNELLY, Mr. WYDEN, and Mr. PURSELL.

H. Con. Res. 67: Mr. GALLEGLY and Mr. GILMAN.

H. Con. Res. 126: Mr. TAUZIN, Mr. GRAY of Illinois, Mr. HENRY, Mr. YOUNG of Alaska,

Mr. HATCHER, Mr. MURPHY, Mr. RODINO, Mr. WALGREN, Mrs. KENNELLY, Mr. BROWN of California, Mr. DYMALLY, Mr. PASHAYAN, Mr. JACOBS, Mr. SCHUETTE, Mr. TAYLOR, Mr. SMITH of New Jersey, Mr. NIELSON of Utah, Mr. BUECHNER, Ms. OAKAR, Mr. BRENNAN, Mr. DONNELLY, Mr. BRYANT, Mr. ARMEY, Mr. McGRATH, Mr. WEISS, Mr. ROWLAND of Connecticut, Mr. MORRISON of Connecticut, Mr. FISH, Mr. EMERSON, and Mr. GEJDENSON.

H. Con. Res. 239: Mr. MILLER of Washington, Mr. MILLER of California, Mr. CLARKE, Mr. KOSTMAYER, Mr. ROE, Mr. PORTER, Mr.

HOCHBRUECKNER, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. HARRIS, Mr. CONTE, Mr. BILBRAY, Mr. JONTZ, Mr. WORTLEY, Mr. OWENS of New York, Mr. RODINO, Mr. CLAY, Mr. LOWRY of Washington, Mr. GREEN, Mr. BONIOR of Michigan, and Mr. ATKINS.

H. Con. Res. 252: Mr. FIELDS, Mr. RICHARDSON, and Mr. ARCHER.

H. Res. 300: Ms. PELOSI and Mr. VENTO.

H. Res. 306: Mr. BRYANT.

H. Res. 350: Mr. PACKARD.

H. Res. 392: Mr. HYDE, Mr. HUNTER, Mr. WORTLEY, Mr. FAWELL, Mr. JOHNSON of South Dakota, and Mr. DYSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows.

H.R. 1049: Mr. GOODLING.